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LIFE AND TIMES OF JOHN ENGLAND

(1786-1842)

John England, First Bishop of Charleston

THE LIFE AND TIMES

OF

JOHN ENGLAND

FIRST BISHOP OF CHARLESTON

(1786-1842)

BY

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IN TWO VOLUMES

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DEDICATED

IN GRATITUDE AND AFFECTION

TO

M. M. C.

Preface

The Catholic Church in the United States was at the threshold of its organized hierarchial life when John England was born at Cork, Ireland, on September 23, 1786. The first partition of its single Diocese of Baltimore, then coterminous with the Republic, into five Sees under Archbishop Carroll had already taken place by the *Ex debito pastoralis officii* of Pius VII (April 8, 1808), when the future Bishop of Charleston was ordained to the priesthood. Father John England was in the midst of the Veto controversy, in which Archbishop Carroll had been deeply interested, when the Father of the American episcopate died (December 3, 1815). Five years later came the addition of two more dioceses to the first American province, Richmond and Charleston, and on the last Sunday of the year 1820 John England took possession of the latter See. For twenty-two years Bishop England labored in the three States committed to his spiritual care, North and South Carolina and Georgia, and on April 11, 1842, he died in his fifty-sixth year.

To reawaken the memory of John England by an extended biography or to create a revival of interest in his writings is not the whole purpose of these volumes. Bishop England was unquestionably the foremost ecclesiastic in the Catholic Church of the United States during the years he presided over the Diocese of Charleston. He was considered and rightly so by the people of his race here their leading representative. His writings rank him as the first apologist of the Catholic Faith in this country. His long and successful campaign to create a common discipline through a National Council gave him a prominence beyond all his colleagues in the American hierarchy. His apostolic delegation to Haiti made his name known in political circles abroad and occasioned the desire to see him raised to the Cardinalate. His place in the history of classical education in the South is an enviable one. He lived through a social and political unrest which almost brought South Carolina to the pass it boldly entered less than twenty years after John England's death. His life as an American bishop was that of a great patriot and a great Christian. Spent as it was in the midst of religious ani-

mosities which would have disheartened many a bishop in Christendom, he never lost courage and all along the years of his episcopate he won victories for Catholicism which have seldom been equalled in our history.

There is, however, a further reason why these pages strive to remove the veil of unmerited neglect which has been thrown over the man and his work. The secret of John England's life before he came to America lies in his high-minded liberalism, in his generous tolerance of all men who differed with him in politics and religion, and in his profound attachment to the principles of democratic government. The dynamic power of his tireless energy as a bishop in the United States came straight and true from his whole-souled love for America and for American methods. No man of his times in the realm of politics or religion watched more jealously over the preservation of the ideals upon which the Republic was built. In these pages the surge of his letters may seem at times to carry him high upon the crest of the wave which was revealing the influence of the sons and daughters of Ireland in American affairs; but John England's life can be misunderstood if he is pictured solely as a great Irishman or as a great Irishman whom America adopted for her own. He was more than this: he was an American with all that mystical love for America which is visible in the leaders of the earlier days of the nation's history. It is on account of his untrammelled Americanism, on account of his thorough grasp of American idealism, and above all because of the unique place he made for himself in American history by interpreting justly and accurately to his own epoch the harmony between Catholic principles and the constitutional bases of the American government, that these pages have been written for our generation. As an American bishop he carried on the traditions of John Carroll, not indeed without Carroll's occasional misunderstanding of Roman policy, but with a world-view that ranks him among the immortal names of the American Church. He lived and died for souls, for America, for the Church, and for God.

The short memoir of Bishop England's life and labors, published in 1843, was hitherto our only source of information. My own researches have led to Ireland, to France, Germany, Austria, and to

Rome, and necessitated long months of work in the civil and ecclesiastical archives of this country and Canada. It would give undue length to this preface to mention the names of all who assisted the author during the past five years.

To some, however, I owe a debt of gratitude which cannot be passed over in silence. I would first thank most sincerely my own Archbishop, His Eminence, Cardinal Dougherty, for encouragement and advice at difficult and delicate stages of the work.

Without the generous financial support of the Archbishop of Baltimore, the Most Reverend Michael J. Curley, D.D., as well as that of His Grace of Milwaukee, the Most Reverend Sebastian G. Messmer, D.D., the researches here and abroad for original sources could not have been made. To His Grace of Baltimore I am also especially obligated for critical reading of parts of the manuscript.

To the Right Reverend Thomas J. Shahan, D.D., Rector of the Catholic University of America, who has followed every step of the work since its inception five years ago and who has been of eminent help to me, I offer my heartfelt thanks.

To these I would add the name of the Most Reverend Daniel Cohalan, D.D., Bishop of Cork, who instituted a search for documents in many parts of his diocese and whose valuable corrections and suggestions have been incorporated in the Introduction and the first four chapters. Likewise, to the Rev. T. J. Corcoran, S.J., of the Department of Education, University College, Dublin, and to the Reverend Michael H. McInerny, O.P., Editor of the *Irish Rosary*, who read and corrected these same chapters, I am under a profound debt of gratitude. The officials of the Propaganda Archives, of the Archiepiscopal Archives of Quebec, of the Catholic Archives of America at Notre Dame, of the National Library and the Marsh Library of Dublin, of the Dominican Archives of Tallaght (Ireland), of the South Carolina Historical Society and of the Georgia Historical Society were particularly helpful in enabling me to locate and transcribe source-material. The Right Reverend J. T. McElroy, D.D., the Reverend James J. May and the Reverend Bernard Fleming of the Diocese of Charleston; the Reverend Joseph D. Mitchell, and the Very Reverend T. J. Foley, of the Diocese of Savannah; and the Reverend William J. O'Brien of the Diocese of

Raleigh gave me much kind help. In this respect it is a pleasure to mention also Thomas Gamble, Esq., of Savannah. I have gratefully to acknowledge the assistance of the Very Reverend Dr. Charles L. Souvay, C.M., of Kenrick Seminary, of the Reverend Dr. Paul J. Foik, C.S.C., of St. Edward's University, Austin, Texas, and that of my former students now members of the Faculty of the University of Notre Dame, who supplied me with valuable materials.

Among those abroad to whom I am indebted for assistance are: the Very Reverend Jeremiah Canon Cohalan, P.P. of Bandon; the Very Reverend Dr. John Foley, President of Carlow College; the Reverend Brendan Jennings, O.F.M., and the Reverend Gregory Cleary, O.F.M., of the Franciscan Monastery, Dublin; the Reverend John Condon, O.S.A., and the Reverend L. M. Hughes, O.S.A., of St. Augustine's Priory, Dublin; the Reverend William P. Burke, P.P. of Modeligo (County Wexford); Monseigneur Jacques Laminne, Bishop of Liège; the Most Reverend William Codd, Bishop of Ferns; and the late John Hungerford Pollen, S.J., of London. Two members of the England family searched records for me: Thomas A. England, Esq., and the Reverend Henry O'B. England, both of London. The Reverend Mother Ursula O'Callaghan, of the North Presentation Convent, Cork, the Reverend Mother General of the Dames de la Retraite, of Angers, France, the Sisters of Mercy of Charleston, S.C., and the Superioress of the Ursulines of Columbia, S.C., communicated transcripts of documents of first importance to this work. The writer owes special thanks to Mr. Thomas F. Meehan, of the staff of *America,* who gave practical assistance in preparing the manuscript for the printer.

In spite of some obvious mistakes, old-fashioned spelling, and an occasional vagueness in style, the letters and documents used in these volumes have been printed without change.

Lastly, to one whose generous subsidy made possible the work of transcribing documents and of preparing the manuscript for the press, I have the honor of dedicating these volumes as a pledge of my gratitude.

PETER GUILDAY.

Catholic University of America,
March 25, 1927.

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Introduction

With the passing of Archbishop Carroll on the morning of December 3, 1815, a culminating point in the history of Catholicism in the United States seems to have been reached. The new Republic was fighting its way through confusion towards domestic order and tranquillity when he became Prefect-Apostolic of the Church here in 1784. The tenure of his prefecture (1784-1789) coincided with the gallant and successful struggle for constitutional government being made in Philadelphia during those critical years.

The analogy which has often been drawn between these five years of reconstruction in the history of our country and in that of the Catholic Church is a true one. The coincidence of Carroll's elevation to the See of Baltimore and of Washington's election to the Presidency ends, however, this striking similarity between Church and State from 1784 to 1789.[1] The nation with Washington at its head had then to begin the experience of living under its adopted Constitution. Already two parties, holding opposite opinions of that document, were visible on the horizon of national politics. With divergent views on the vital problem of a centralized authority, and later of loose and strict construction of the articles of the Constitution, party strife was bound to keep the country in an uneasy ferment during the first generation of national government.

In the organization of the Catholic Church under one head at Baltimore, the case was different. The principal contrast between the old Church and the young State was that the former had passed the experimental stage in government many centuries before America was discovered. When John Carroll began the work of spiritual control, no further experiment in the art of ruling the Catholic faithful was needed. His was the task of adapting to the

[1]Cf. Guilday, *Life and Times of John Carroll (1735-1815)*, pp. 231-235. New York, 1922.

new and somewhat unique conditions in American life the successful methods of the past. It is true that the constitutive organism of Catholic life in the nation had to be built up from the foundations, and that in the process insubordinate movements would gain sufficient force to block to a certain extent the work of Church administration. It is Carroll's success in meeting and solving the outstanding problems of the nascent Church that has given to him the honor of being called its Founder. Those problems were: the organization of parish life in his diocese, wherever a sufficient number of the faithful warranted it; the religious education of Catholic youth in schools, colleges, and universities; the formation of an American clergy; the safeguarding of his flock from heresy and religious indifference; and the inculcation of fraternal charity among themselves and of religious tolerance towards those who but yesterday had upheld all the irksome restrictions of the colonial penal laws.

Judged from the standpoint of his success in solving these problems, the twenty-five years of Carroll's episcopate witnessed a remarkable triumph over the acephalous condition of the Church immediately after the founding of the new Republic. At the time of his death, not only had the American Church been moulded into the hierarchical order of government common to all the rest of the world but the problems which seemed almost insurmountable in 1790 had been solved and the foundations laid deep and strong for all future construction. There were, it must be admitted, here and there in the Church, indications that the harmony John Carroll had endeavored to create was not a general one, and that the identity of the spiritual obligations of the Church with the best ideals of the young Republic was not fully appreciated by all its ministers and people. In the internal history of the Church in the decade following his death, one fact is evidently undeniable—the disappearance of unity and concord in American Catholic society. From 1815 to 1820, dissensions which he had been able to heal, or at least to silence, by his episcopal authority, as well as by his own personal influence, broke out in every large centre of American Catholic life, until a veritable epidemic of misrule had swept through the Church. Had Carroll's plan for the welding of the various racial and political forces at work within the fold of the

Church been followed out, the years immediately after his episcopate might have witnessed a stirring of the Spirit comparable to Apostolic days.

What the Church in the United States needed most during the first quarter-century of its established hierarchical life was a strong central government, profound in its loyalty and devotion to the Holy See, whole-heartedly in unison with the dominant anti-foreign and national policies of the day, with all the parts properly subordinated by the laws of ecclesiastical authority—the parish to its pastor, the pastor to his bishop, the bishop to the metropolitan, the whole Church to the Holy See—with all the prudent and necessary freedom for the merging of racial characteristics into the national ideal without, however, allowing the growth of a sectionalism that might in the end have been detrimental to Catholic American progress. This John Carroll did, and did so well that he remains for all time the exemplar of the loyal citizen and the loyal churchman of our country. John Gilmary Shea's eloquent summary has become the traditional estimate of Carroll's life:

> When Archbishop Carroll resigned to the hands of his Maker his life and the office he had held for a quarter of a century, the Church, fifty years before so utterly unworthy of consideration to mere human eyes, had become a fully organized body instinct with life and hope, throbbing with all the freedom of a new country. An archbishopric and four suffragan sees, another diocese beyond the Mississippi, with no endowment from princes or nobles, were steadily advancing; churches, institutions of learning and charity, all arising from the spontaneous offerings of those who in most cases were manfully struggling to secure a livelihood in modest competence. The diocese of Baltimore had theological seminaries, a novitiate and scholasticate, colleges, convents, academies, schools, a community devoted to education and works of mercy; the press was open to diffuse Catholic truth and refute false and perverted representations. In Pennsylvania there were priests and churches through the mountain districts to Pittsburgh; and all was ripe for needed institutions. In New York, Catholics were increasing West of Albany, and it had been shown that a college and an academy for girls would find ready support at the episcopal city, where a Cathedral had been commenced before the arrival of the long-expected Bishop. In New England the Faith was steadily gaining

> under the wise rule of the pious and charitable Bishop Cheverus. In the West, the work of Badin and Nerinckx, seconded and extended by Bishop Flaget, was bearing fruit. There was a seminary for priests; communities for Sisters were forming and North of the Ohio the Faith had been revived in the old French settlements, and Catholic immigrants from Europe were visited and encouraged. Louisiana had been confided to the zealous and active Bishop Du Bourg, destined to effect so much for the Church in this country. Catholicity had her Churches and priests in all the large cities from Boston to Augusta and westward to St. Louis and New Orleans, with many smaller towns, there being at least a hundred churches and as many priests exercising the ministry. Catholics were free; the days of penal laws had departed; professions were open to them, and in most States the avenue to all public offices.[2]

The principal result, then, of John Carroll's long episcopate (1789-1815) was the creation of a sound Church government, with Baltimore as its centre. The ecclesiastical province he had created during those years and over which he ruled with firmness and prudence was identical in extent to the United States east of the Mississippi and north of Florida. This great territory had been divided at his suggestion in 1808, into suffragan dioceses, with Sees at Boston, New York, Philadelphia and Bardstown. Beyond the Mississippi in the Louisiana Purchase another diocese subject directly for the time being to the Holy See had been erected with its episcopal See at New Orleans. The Diocese of Boston included the whole of New England, and had at its head Bishop Cheverus. The Diocese of New York, covering the whole of that State and the northern part of New Jersey, had but lately received its second bishop in Dr. John Connolly, a Dominican. The Diocese of Philadelphia, embracing the States of Pennsylvania and Delaware and the southern part of New Jersey, had lost its first bishop, Dr. Michael Egan, a Franciscan, on July 22, 1814, and was to remain vacant until the coming of its second bishop, Dr. Henry Conwell, six years later (December 2, 1820). The Diocese of Bardstown, at that time the largest east of the Mississippi, included the present States of Kentucky, Tennessee, Ohio, Indiana, and Illinois, and the great Northwest Territory. It was presided over by Bishop Flaget.

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[2] *History of the Catholic Church in the United States*, vol. II, pp. 678-679. New York, 1888.

The Diocese of Louisana-the-Floridas, consisting of the Louisiana Purchase and West Florida, was awaiting the coming of its bishop, Dr. Du Bourg, who had been consecrated in Rome, on September 24, 1815. The remaining portion of the United States—Maryland, Virginia, the two Carolinas, Georgia, and the territory between Georgia and the Mississippi and North of Florida—made up the Archdiocese of Baltimore.

No aspect of the social and religious life of the Catholics in the United States had been neglected by Bishop Carroll and his suffragans during this first period of American Church history. Wherever it was possible, schools for the education of boys and girls were begun, in private houses, in the basement of churches, in the rectories, or in separate buildings. Catholic collegiate education was being maintained at Georgetown; at Emmitsburg; in St. Mary's University, Baltimore; and in St. Thomas College, in Kentucky, then a wilderness. Catholic young ladies found congenial surroundings at the Visitation Academy in Georgetown, while in St. Joseph's Valley in the Maryland hills Mother Seton was presiding over her celebrated school. In Kentucky, two religious communities, the Sisters of Loretto and the Sisters of Charity of Nazareth, were struggling with the educational problems around them. In the six dioceses religion was flourishing. The War (1812-15) had not affected Catholic progress. Many of the 30,000 Americans who sacrificed their lives in that conflict were of the household of the Faith, and the closing scene of the War saw Andrew Jackson and his soldiers gathered for the Solemn Mass of Thanksgiving in the Catholic Cathedral of New Orleans, on January 23, 1815. It was a member of John Carroll's family, Henry Carroll, who reached New York on February 10, 1815, with a copy of the treaty of peace signed at Ghent on December 24, 1814, and who brought the good news to his chief, James Monroe, then Secretary of State, at Washington. Monroe and young Carroll went at once to Octagon House, where President Madison was living at the time, as the White House was in ruins.

In the five years following Carroll's death, however, the old order changed. New and variant elements had arisen to place and preferment in the Church here. Party feeling and racial discord had become vocal, and the building of the House of God in the

six dioceses of the United States was kept almost at a standstill. At the close of the year 1820, the geographical limits were the same, with the exception of the Southland, where two new dioceses had been erected with Sees at Richmond and Charleston. The Holy See was then contemplating a division of the Diocese of Bardstown by the erection of a See at Cincinnati.

Among the extant sources for the study of these five years the following are of considerable value: Bishop Flaget's interesting description of the Church in the United States beyond the Alleghenies to the Mississippi, in a Report sent to the Sacred Congregation de Propaganda Fide, on April 10, 1815;[3] Archbishop Maréchal's remarkable Report to the same Congregation, on October 16, 1818;[4] Father John Grassi's quaint little geography in his *Notizie varie sullo Stato presente della Repubblica degli Stati Uniti,* published in Milan in 1819;[5] the Report on the American Church sent to Cardinal Fontana on September 6, 1820, by Bishop Plessis of Quebec, who was the first Apostolic Delegate appointed by Rome to visit the United States;[6] another document, written probably by Maréchal in 1820-21, found in the Propaganda Archives, and entitled *De Calamitatibus quibus Ecclesia Dei in Fœderatis Americæ Statibus opprimitur et de modis quibus averti possunt;*[7] and finally Father William Vincent Harold's searching analysis of the conditions prevailing in the Church here, written at Rome sometime previous to his return to Philadelphia, in 1821.[8] Numerous

[3]Propaganda Archives, *Scritture riferite, America Centrale,* vol. 3, fol. 323-326—printed with translation and notes, by Rev. V. F. O'Daniel, O.P., in the *Catholic Historical Review,* vol. I, pp. 305-319.

[4]Prop. Arch., *Scritt. rif., Amer. Cent.,* vol 4, no. 922—printed in the *Catholic Historical Review,* vol. I, pp. 439-453. Cf. Hughes, *History of the Society of Jesus in North America,* Documents, vol. I, part I, pp. 245-246; 560; part II, pp. 911-914, 957-958, 1049.

[5]Cf. *The Catholic Religion in the United States in 1818,* in the *Woodstock Letters,* vol. IX, no. 3; the Rev. Wilfrid Parsons, S.J., has made use of Grassi's *Notizie* in his article *The Catholic Church in America in 1819,* in the *Catholic Historical Review,* vol. V, pp. 301-310. Another valuable source for the decade prior to 1815 is Dilhet, *État de l'Église Catholique ou Diocèse des États-Unis de l'Amérique Septentrionale,* which has been translated and published by the Rev. P. W. Browne, Ph. D. Washington, D. C., 1922.

[6]Têtu, *Journal d'un Voyage en Europe, par Mgr. J. Octave Plessis, Evêque de Quebec (1819-20).* Appendix A, pp. 421-438. Quebec, 1903; id., *Visites Pastorales par Mgr. J. Octave Plessis, Evêque de Quebec,* pp. 143-176. Quebec, 1903.

[7]Prop. Arch., *Scritt. rif., Amer. Cent.,* vol. 4, nos. 135-136.

[8]Archives of the Dominican Fathers at Tallaght, Ireland (uncatalogued).

collateral sources exist, and from the printed documents mentioned a fairly just picture may be given of Catholic life and action in the United States at this time.

The number of Catholics in the United States has been variously estimated. At the beginning of Carroll's episcopate (1790) the total Catholic population (based on his estimate of 25,000 in 1785) is believed to have been about 35,000. At the time of his death (1815) the Catholics outside the Louisiana Purchase and Florida numbered about 90,000. Three years later, in his Report to Propaganda (October, 1818), Archbishop Maréchal claims a total Catholic population of 100,000. If the figures given for 1821-22 by Maréchal are accepted, a comparatively correct estimate for the year 1820 would be about 160,000. His diocesan statistics for 1821-22 are as follows: Baltimore, 80,000; Boston, 3,500; New York, 24,000; Philadelphia, 30,000; Charleston, 3,600; Richmond, 2,400; Bardstown, 20,000; making a total of 163,500. At first sight, the numbers tentatively accepted for 1820, namely, 160,000, represent a gain of seventy thousand souls in the five years between Carroll's death and the coming of Charleston's first bishop, John England. The causes for this rapid growth are the same as those which exist for all other periods: natural increase, conversions, and immigration. It is not our purpose in this Introduction to question these figures. Bishop England will be the first to discuss publicly the problem of Catholic loss and gain in the United States,[9] and his estimates of the losses will be discussed in their proper place in this work. But, in order to give the reader a just appreciation of the conditions prevailing in Catholic life, certain facts need to be mentioned at this time. The natural increase of the Catholic population in 1790—35,000, should be in 1820—84,000; immigration brought to the United States in these thirty years 77,000 Catholics; there were 29,000 Catholics in the territories bought by the United States; and there were about 5,000 converts. Accordingly, the total Catholic population of the United States in 1820 may be estimated at 195,000. It is generally accepted that the losses among the Catholic Irish, German, Dutch, French and Spanish before 1790

[9] *Communication to the Central Council for the Propagation of the Faith, at Lyons*, sent from Rome, September, 1836, in *Works* (Reynolds edition), vol. III, pp. 226-246.

were about 125,000. A recent exhaustive study of Catholic losses and gains in the United States claims that

> anyone who is at all familiar with the early history of our country, with the religious attitude of the colonies, with the dearth of priests and churches and the scattered condition of the faithful, can understand that the surprising point is that there were as many as thirty-five thousand Catholics in the United States in 1790, rather than that one or two hundred thousand had lost their faith.[10]

This same writer estimates that the total number of lapsed Catholics in 1820 was approximately 225,000.

The causes for the absence of a more progressive Catholic life in the nation may be listed as follows:

> the inadequate supply of priests and churches; the want of Catholic schools; the scandals and schisms arising from trusteeism; mixed marriage; intemperance and the degraded poverty of which it was the cause; social exclusion and sometimes the social and political persecution of Catholics; the proselytism of orphans and of men and women of weak faith.[11]

Only two of these need occupy our attention now: the supply of the clergy, and the legal tenure of Church property, since around these two sources of difficulty all the trouble of these years was centered.

Archbishop Maréchal's Report is an official document from the head of the Church here to the superior officer of the special Congregation which governed all the Churches in the missionary world. Many of the facts contained in this much discussed document are of a controversial nature, and they must be subjected, as they will be in other parts of this work, to the test of impartial criticism. The Metropolitan of Baltimore reduced the difficulties in governing the Church here to three heads: (1) The insufficient number of missionary priests. America furnished so many opportunities to the young men of the day that the poverty and sacrifice of the priesthood repelled them; (2) the poverty of those parents whose sons designed to study for the priesthood. He had found many young men, anxious to dedicate themselves to the Church, unable to

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[10]Rev. G. Shaughnessy, S.M., *A Century of Catholic Growth in the United States (1820-1920)*. MS. in Library of the Catholic University of America. Cf. *A Study in Numbers*, article by J. Elliott Ross, C.S.P., in the *Catholic World* for June, 1923, pp. 313-318.

[11]Canevin, *Catholic Growth in the United States*, p. 13. Denver, 1923.

pay for their education; (3) the schisms which too frequently arose in these regions.

To this last cause he devotes much space in order, he says, that the Sacred Congregation may have an accurate knowledge of the situation. The American people ardently love the civil liberty they enjoy. A first principle with them is that all their magistrates and office-holders shall be elected at stated intervals by popular vote. All the Protestant sects carry this principle into their religious organizations and vote to elect their pastors. Catholics living in such surroundings are evidently exposed to the danger of adopting similar principles in the regimen of their parochial life, and by the artifices of unworthy priests are often easily led to believe that they have the right to choose or to dismiss their pastors as they see fit.

Archbishop Maréchal then describes the way in which parishes or congregations were formed at the time, and explains that the method of holding property in the United States was by means of the parish corporation represented before the law by a Board of Trustees, elected regularly by the members of the congregation. There was nothing essentially wrong with the system. Conflicts might arise between the bishops and the lay trustees, as they did in Europe where the same system prevailed through the *fabriques de l'église* or the *marguilliers*. The ensuing difficulty arose from the fact that while the American government allowed complete freedom of action to all religious bodies, it was uncertain whether the Canon Law of the Church would be upheld by the American courts in case of conflict between these lay corporations and the bishops. It is true that by a decision of the Pennsylvania Court of Common Pleas in Carroll's time, the supreme power of the bishop over clergy and people was acknowledged by the State; but the decision had little effect upon the schism which Bishop Conwell was endeavoring to heal.

In the final analysis of each of the trustee troubles which had arisen both before and after Carroll's death, the cause was always a priest who, wishing to escape the jurisdiction of the bishop or to thwart just punishment for unbecoming or scandalous conduct, sided with the troublesome trustees and augmented the complexity of the problem at issue with the subtler and more dangerous one of lay

patronage. Maréchal does not hesitate to depict the situation exactly as it is: *Si etenim sacerdos qui pastor hujus ecclesiae constituitur, deditus sit ebrietati aut impudicitiae aut aliis scandalosis vitiis, neque velit vitam suam emendare,* then the bishop has the alternative of allowing the scandalous situation to remain or, by exercising his right of suspension and removal, of being the indirect cause of raising the *vexillum rebellionis* in the parish. Moreover, owing to the unfortunate ease with which such unworthy men in the ministry were allowed to appeal over the bishop's head to the Holy See, no permanent remedy was possible in the matter.

In Maréchal's eyes the root of the whole evil lay in the rebellious attitude of individual priests in all of those centres where lay insubordination had gained control. He mentions by name the unruly priests in these cities and then draws the general conclusion for Rome's benefit that all the evils are being caused by Irish priests, who created disorder everywhere by their inebriety and by their total lack of sacerdotal obedience to authority:

> *Non Americani, non Angli, non aliarum Europeanarum gentium advenae, pacem perturbarunt aut perturbant, Carolopoli, Norfolkio, Philadelphiae, etc., etc., sed sacerdotes Hiberni intemperantiae ant ambitioni dediti, una cum contribulibus suis, quos innumeris artibus sibi devinciunt.*

In his report (September 6, 1820) as Apostolic Delegate to the United States to Cardinal Fontana, Bishop Plessis of Quebec throws additional light on the situation and clarifies it, if one may use the word without any sinister meaning, with more impartiality than the Archbishop of Baltimore. As an outside observer, Bishop Plessis was able to view the situation somewhat objectively, but not wholly so, for in his diagnosis of the troubles in the American Church, he points out as a basic cause the racial antipathies between the clergy and the people of Irish birth, and the dominant ecclesiastical influence in the Church of the United States at that time:

> *Je crois aussi de mon devoir de réitérer à Votre Eminence que les Catholiques des Etats-Unis ont, en général, beaucoup de respect et d'affection pour leurs évêques français, et que s'il y a des plaintes contre ceux de cette nation, elles sont suscitées par des moines irlandais, vagabonds, ambitieux, qui, pour le malheur de ces diocèses, voudraient y occuper les premières places.*[12]

[12]Têtu, *Voyage en Europe etc.*, pp. 431-432.

By the beginning of the year 1820, the problem of ecclesiastical authority had undergone changes of such a nature that the whole question seemed to have revolved itself into a struggle between the French and Irish elements in the country itself and abroad, particularly in Rome, for the control of the American Church. From the establishment of the hierarchy (1789) to the appointment of Dr. Kelly and Dr. England to the American episcopate, ten bishops and one administrator had ruled the Church in the United States. Six of these were Frenchmen; three were Irish; and two (Carroll and Neale) were Americans. Even Du Bourg, far off in Louisiana, feared that the "faction which has a large party in the bureaus of Rome," and who controlled the Cardinal-Prefect of Propaganda, who "sees only what they show him, hears only what they tell him," would succeed in having an Irishman appointed to the second diocese the Holy See was contemplating for Louisiana.

> Since Cardinal Fontana asked your Lordship [he writes to Plessis, on March 22, 1822, to inform him about the condition of the Church in the United States], I shall presume to beg of you, my Lord, to add to the information you have given him the warning that he mistrust the calumnious reports by which it has been sought to prejudice Propaganda against the French bishops. If it were only a question of myself, it would not cost me a great effort of modesty to acknowledge myself vanquished by all these accusations; but, my God! what can they say of my venerable colleagues of Baltimore [Maréchal], of Bardstown [Flaget], and of Boston [Cheverus], that would not be to their advantage. It is only necessary to see what they have done and to remember the numberless difficulties that they had to overcome. The thing speaks for itself to those who are its witnesses, or who are where they can hear of it; but these saintly bishops will not speak in their own defense, and at a distance the most malicious calumnies acquire weight.[13]

Two years after Maréchal's Report to Propaganda, a memorandum on the *Calamities which afflict the Church of God in the United States and on the Means to avert the Same* was presented to the Sacred Congregation. The Archbishop states that the principal and most fruitful cause of the scandals and tumults which

[13] Cf. Zwierlein, *Les premières nominations episcopales aux États-Unis*, in the *Mélanges Moeller* (Louvain, 1914), vol. II, pp. 540-541; cf. also *Records* of the American Catholic Historical Society, vol. XIX, pp. 196-198.

disturbed the Church at the time was the influx to our shores of a number of unworthy priests from Ireland, especially in recent years (*ex numero impiorum sacerdotum qui ex Hibernia praesertim his ultimis annis littoribus nostris appulerunt*). The facts, the writer says, are self-evident. For many years Father Browne and Dr. Gallagher burdened Charleston with scandal; Father Carbry, the Dominican, greatly disturbed the peace of the Church in New York, and then fled to Norfolk, to raise there the flag of revolt. Father Ffrench, with another Irish priest, O'Gorman, was then upsetting the Church in New York with scandal and indecorous living. Religion was almost overthrown in Philadelphia (*pene totaliter subvertitur religio Philadelphiae*) owing to the impiety of Fathers Hogan and Harold. Father Egan's apostasy in Augusta had shamed the Catholics of Georgia.

> It is to be carefully noted [the document reads], that all these unworthy priests have in their possession testimonial letters vouching for their learning, piety, and integrity of morals, which either they have forged or at least have too easily obtained from the bishops of their own country .... Hence, the bishops of the United States, who are badly in need of priests, having examined and accepted the aforesaid testimonial letters, give these clergymen temporary faculties, valid for one year, by way of probation. But they hardly behave themselves for the first few months. They fall back into their evil habits, and in order to lead sinful lives they begin to strengthen themselves against the authority of the bishops. By various artifices and frauds they win over the lowest class of their own nationality who are numerous in our sea-coast towns. Having done so, they shake off the burden of ecclesiastical discipline, form schismatical churches, and become the most bitter enemies of our most holy religion, vilifying our bishops with every kind of calumny in the daily papers and periodicals. This scandalous method of acting is certainly the worst calamity of all. It is an obstacle to the conversion of Protestants. . . . . It causes many defections among the faithful who become ashamed of their Church and who refuse to receive the Sacraments at the hands of these unworthy ministers. . . . .

This indictment against the Irish clergy in our American cities during the first quarter of the nineteenth century is one that cannot be passed over in silence.[14] It represents the view taken by the

[14]It would give undue length to this aspect of the Introduction to place these

French-American bishops, and it is in the light of their charges that the choice made by the Congregation de Propaganda Fide for the Sees of New York, Philadelphia, and Richmond must be estimated.

Before passing to the special treatment of the Church in the dioceses where Irish clergymen were causing these "scandals and tumults", the other causes given by Archbishop Maréchal must be mentioned. The second cause of these calamities arose from the method in vogue of Church property incorporation. He adds nothing new under this head, except to point out that in the Dioceses of Boston and Bardstown no evil can arise since Bishops Cheverus and Flaget have a legal title to all church property within their jurisdiction. A further source of evil in the American Church is signalized in strong terms by Maréchal: it is the abuse of appeals. The indisputable right of appeal from the judgment of the bishops to the Holy See is sacred, he writes in a companion document to the one we have been quoting.[15] But history teaches us, he says, how frequently this right is abused by unworthy priests. All that Maréchal craves on the part of the Holy See is that American bishops be heard before Rome pronounce judgment in cases of conflict. Too often rebellious priests have prevailed on Propaganda to act swiftly under threat that the Church faced a large defection on account of the tyranny of the bishops (*contra tyrannidem et injustitiam ordinariorum*). It is the bishop's duty, Maréchal adds, and certainly a most pleasant one to them, to nourish in the hearts of the faithful a great reverence and respect for the Holy See and for the Sacred Congregation.

But when the faithful heard that the venerable Cardinal Litta had corresponded directly with the head of the Norfolk schism,

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paragraphs on clerical discipline in the United States in their proper relationship to the various phases of rebellion from which the Church here has never been quite free. Many German, French, Italian, and Polish Catholic centres during the past century witnessed similar outbreaks against episcopal jurisdiction and similar violations of clerical life and discipline. The causes were many and were usually complex in their nature. Racial animosity, racial jealousy, and national misunderstandings arising mainly from racial viewpoints occupy a prominent place in the history of the schisms of the past and, to a large extent, of the present day.

[15]Prop. Arch., *Scritt. rif., Amer. Cent.*, vol. 4, no. 136 (*Contra abusum authoritatis civilis quam Fideles aliquando committunt Temporalibus Administratoribus bonorum Ecclesiæ*, 9 pp.).

who was a notorious enemy of the Church; when they heard that the impostor, Donaghey, was received with honor as a nuncio from the schismatic Catholics of Virginia; when they learned that infamous men, unknown to the Catholics of the United States, induced Irish friars living in Rome to present to the Sacred Congregation their letters filled with every kind of lies and calumnies against the bishops of America, and through the aid of these friars succeeded in obtaining from the Sacred Congregation letters commending them for their zeal and piety; when they saw Father Browne, the author of the Charleston schism, returning to America in overbearing triumph and relieved of the censures placed upon him by the Archbishop of Baltimore, — then Maréchal could not sufficiently express the sorrow experienced by the American clergy and the faithful over the confusion being caused by the Roman officials.

> Pardon me, most Eminent Father [Maréchal writes], if I relate these facts . . . . but the veneration, love and respect I have for the Holy See imposes on me the obligation of relating these things as they are, so that evil men may no longer be allowed to ridicule piety and zeal.

Archbishop Maréchal never lacked courage. His judgment may have often been clouded by personal considerations and by racial differences which he was unable wholly to overcome. He saw "calamities" from the viewpoint of a French prelate, and weighed them in the balance of the good and the evil which he could in all justice attribute to some of the Irish clergy who came here at that time. He asked Propaganda, therefore, to assist him in putting order into the House of God in America, first, by preventing the Irish bishops from sending to the United States any priest who was unworthy of his calling; secondly, by allowing no Irish priest to come to America without having first communicated confidentially with the bishop of that diocese in the United States chosen by the priest in question for his missionary work; thirdly, by instructing the Irish bishops not to give testimonial letters to any Irish priest who had not been thus accepted. This solution of a difficulty over which even Archbishop Carroll felt obliged to remonstrate with Archbishop Troy, was the only one calculated to stop the emigration to American dioceses of men unfit for their sacred calling.

The pity is that the little group of priests from Ireland who were prominent in the trustee troubles in New York, Philadelphia, Norfolk and Charleston, have left behind them so unpleasant a record that the apostolic work of their countrymen, which Maréchal highly praises in his Report of 1818, passes without notice in the pages of the documentary material available for the history of these times.

The administration of Bishop Connolly in New York, of Bishop Kelly in Norfolk, and of Bishop Conwell in Philadelphia, brought another problem to the front. These three prelates had been chosen without the knowledge or consent of the American bishops. The American hierarchy had no right, it is true, in Canon Law to nominate to vacant Sees in the United States or to pass judgment on Rome's choice for these Sees. In fact, Maréchal and his suffragans sincerely desired to be freed from the formidable burden of selecting candidates for vacant Sees (*sincere desideramus a formidabili hoc onere liberari*). Someone, however, must present names to the Sacred Congregation; and it is quite obvious that the bishops of Ireland should not do so. The American bishops were amazed that the Holy See should permit Irish prelates to regulate Church affairs in America, when certainly no American bishop would presume to propose an American priest for a vacant See in Ireland. For very grave reasons, then, the American hierarchy humbly asked that the Irish prelates be excluded from the management of ecclesiastical matters in the United States. The Irish bishops had a very imperfect knowledge of conditions in America, "a knowledge which they acquired from geography and books of travel". They are alien in disposition and in customs to American life, and "it is impossible for them to present suitable men for our land."

Foreign bishops were not loved by American Catholics nor were they reverenced by them. Moreover, the American Government had up to that time protected the Catholic Church in its legal and civic rights. Even the magistrates, who were for the most part Protestant, showed Catholics every honor and courtesy. But, when the American Government learned that Irish bishops arrogated to themselves the right to fill the vacant American Sees, opposition was bound to arise and difficulties would be created for the Church

here. The churches of New York, Philadelphia and Norfolk had been so upset by these alien disturbers of the peace, that the magistrates of these cities were afraid to allow divine service in the churches there unless constables were present.

Many Protestant ministers gladly took advantage of this quarrelling to emphasize the old charge that Catholics make poor citizens in the republic. Consequently, if the Holy See was unwilling to put an end to Irish interference in American Church government and to give to the American hierarchy the right to present candidates for vacant American Sees, then Maréchal could only propose one final remedy — the establishment of an Apostolic Delegate in the United States who would act as intermediary between America and Rome. Failing this, the American prelate asked that the Sacred Congregation de Propaganda Fide pledge itself not to accept nominations from bishops alien to America, or from private persons, priests, or laymen acting under their instructions. Unless the Sacred Congregation considered the case very seriously, the Church in America might not escape a second time, and other unworthy priests, like Carbry and Inglesi, would succeed in obtaining Sees in the United States. This formidable attack on the Irish hierarchy ends with the plea that if Maréchal has said anything which may be a violation of the Canon Law of the Church, the Sacred Congregation will consider it as retracted and unsaid (*pro dicto non sit et habeatur*).

So far the documents from which we have been translating the general conditions of Catholic life here are official papers, and while the sincerity of their authors is beyond question, it must be remembered that both Maréchal and Plessis displayed in their correspondence a strong anti-Irish bias. We have, fortunately, found in the Dominican archives at Tallaght, near Dublin, a long, thorough and concise account of the causes which militated against Church progress here during these years, written for Propaganda Fide by Father William Vincent Harold, at Rome, about the end of the year 1820. The document merits inclusion in its entire length, but only the chief portions of it need be given. Father Harold had been in Philadelphia from 1808 to 1813, and had been Vicar-General to Bishop Egan part of that time. He carried on a wide correspondence with the principal ecclesiastics of the Church

here and he could not fail, situated as he was and endowed with personal gifts which brought him into contact with the highest social groups of the States, to take back to Europe a profound knowledge of the conditions of the American Church. His letter might well form an introduction in itself to the period which begins with John Carroll's death and ends with John England's successful reconstruction of the Church in the Southland.

> A residence in America for five years [writes Harold], the close and constant attention which I gave to the state of Religion in that country and my intimate acquaintance with persons from many States, enable me to form a tolerably accurate opinion of the causes which have retarded, and the means most likely to promote, the growth of the Catholic Religion there.

After describing the condition of the Catholics in the Colonies previous to the American Revolution, he states that the population

> has more than doubled every twenty years since the declaration of independence. This is not the natural progress of population at any time or in any country known to us by history. This vast and unexampled increase can be accounted for only by emigration and that emigration is traced chiefly to Ireland.

Almost up to the time he was writing, Harold claims, the English were "too happy and too rich" in their own country to think of leaving it; the Protestants of Ireland were

> the lords of the soil, and they did not need to emigrate. The Calvinists of the North of Ireland were being kept out of favor and excluded from office, and hence they migrated in large numbers to America. The Catholics oppressed in every way, finding nothing but misery, contempt, and oppression at home, abandoned their country with pleasure as soon as they found a retreat opened to them by Providence in the United States of America.

Father Harold calls it a most striking instance of Divine Goodness that a legislature

> composed almost exclusively of men who had been themselves persecutors, and whose fathers had been most intolerant, should have given to the world a code of laws so mild and so liberal that the Catholic Religion is as free in every part of that vast empire as it is in Rome, and more free than it is at this moment in any Catholic State in Europe.

The emigration from Ireland had been "immense and incessant"

during the forty years previous to the time he was writing. But, while five to ten thousand left Ireland every year, and gained "wealth, security, and independence" in the States, many of them lost that faith, "rather than abjure which their fathers sacrificed wealth and rank and power in their native land." He then comments on the ease with which conversions to the Faith can be made in the United States, and he is convinced "that nothing is wanted but a competent number of zealous and intelligent missionaries to make all that country Catholic."

But it was not his intention to direct the Cardinal-Prefect's thoughts to the conversion of Protestants that induced him to describe conditions in the Church here; rather would he

> engage your charity in devising some effectual means of securing the faith of my Catholic countrymen in America. Your Eme. cannot estimate the number of Catholicks in the United States by being told that there are 8,000 in Boston, 20,000 in New York, 23,000 in Philadelphia, 15,000 in Baltimore and a proportionate number in the other cities and towns of the United States. A statement made in this way would only lead, and may have led, the Sacred Congregation to the erroneous idea that the Catholic population of America was principally to be found in cities. It is not so. The great Catholic population is cultivating the fields and filling the small towns and villages of that vast empire. The cities contain the numbers, as stated above, but the Cities have not, for the last twenty years, given employment to the hundredth part of the emigrants who have gone there within that period. These cities were already filled, and the natural increase of their own population gave all the hands they required. The emigrants went into the interior of the country and there remained without a Minister of their Religion, and deprived of him they soon lose their Religion. This would be the consequence of such deprivation in any country; there it is inevitable.
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> The Sectaries in America observe the Lordsday as strictly as the Jews observed the Sabbath and on this point their zeal leads them to intolerance. They make no allowance and will accept or no excuse for any neglect or omission of Religious duty on that day — amusements which in Europe would be considered innocent are regarded there as horrible profanation. They consider it irreligious to ride a horse, or go in a coach, except it be to Church — in short, the whole business of the Sunday is Religious exercises; and to church every one must go, or submit to be regarded and treated as an infamous person. An

American Protestant would have no commercial dealings, he would maintain no intercourse whatever with a man who habitually neglected church on Sundays. This Pharisaical zeal is carried to an extreme (particularly in the interior of the country) of which we in Europe can form no idea.

This fanatical spirit exposes the poor Catholicks, in the interior of the United States, to a temptation which few of them have the courage to resist; on their first arrival from Ireland they feel a horror at the idea of entering a Sectarian Conventicle, but persons who have been longer in the country, and who have fallen into this external apostacy, tell the newcomers that their interests will be affected and their characters suspected if they do not go to some church, and to this counsel they fatally, though reluctantly yield. Their children fall into the custom without scruple, and all, in a short time, lose their faith. Thousands are living in this state of Apostacy in the States of Pennsylvania and New York, but particularly in the latter. They are married by the Civil Magistrate. They have no priest to baptize their children, no Church, no Sacrament, no instruction; they die in this state, with the torturing certainty that their posterity will be Protestants, and the torturing despair of feeling, that their own bad example has ensured this curse, as an inheritance to their children.

When I assert that thousands are placed in this deplorable condition, your Eme. may think that I exaggerate the evil yet permit me to assure you that the very contrary is the case, the number of Catholicks so situated is far greater than I have stated them to be. Persons of my congregation in Philadelphia whose commercial pursuits led them to the inland part of the State of New York, have assured me that in every town and village thro' which they had occasion to pass, they found a considerable proportion of the population Catholicks, and that the labouring class and poor farmers are very generally of that description. I had this information from men on whose veracity I could place the utmost reliance. I made enquiries on this subject from different persons in the City of New York and they assured me it was strictly true. I underrated the number of Irish emigrants to the United States when I stated that from five to ten thousand pass into that country every year. I have seen a New York gazette which affirmed that in one year (I think 1812) there arrived in that city alone eleven thousand emigrants from Ireland. These persons generally disembark at New York or Philadelphia, and not finding employment in these cities they retire into the interior as far as their money will enable them to proceed. Their object is

to purchase land which they find better and cheaper the farther they go from the coast.

There is no emigration from Ireland to the five New England States, where the soil is barren, and the population almost exclusively protestant. There is no emigration to Maryland, Virginia, the Carolinas, or Georgia, because in these States the land is cultivated by slaves and the policy of that pernicious system requires, that no white man shall work in the same field with a Negro, lest the slaves who are far more numerous than their masters, should lose that sense of inferiority, on which alone the safety of their masters depends. A few individuals occasionally emigrate from Europe, on commercial speculation to the Cities of Baltimore, Norfolk, Richmond and Charleston, but no agriculturists ever think of settling in these States, in consequence of the slave system to which I have just alluded.

The few Catholicks in the States to the South of Maryland are in the large commercial cities.

In Maryland itself the number of Catholicks in the interior of the State is inconsiderable, there are a few individuals of our Religion in that State who possess vast tracts of land, but there is no middle or labouring class of white men. The great body of the Catholicks of that State is to be found in Baltimore, Georgetown, Washington, and Annapolis. I consider the district of Columbia as part of the State of Maryland. I have travelled a good deal thro' that State and am acquainted with many respectable Catholicks in it, but from all that I could observe or learn by enquiry, I am quite certain that the number of Catholicks in it does not amount to fifty thousand. There is no direct emigration from Europe to the States of Ohio, Kentucky and the Western country. The richness of the soil in these States attracts settlers from the five New England States and from the northern and western districts of New York and Pennsylvania.

Your Eme. will perceive, by the Statistical survey which I enclose, that in the five New England States, and in those from Delaware to South Carolina where the Slave System prevails that the population is stationary or encreases only in the ordinary progress, in a country where provisions are cheap and abundant. But look to the States of New York and Pennsylvania, to which, almost exclusively, the Irish emigrate, and your Eme. will find that the population of the former must at present amount to a million four hundred thousand, and that of the latter, to a million two hundred thousand. The distresses of Europe for the last eleven years have, it is well known, encreased the emigration to America. This rapid en-

> crease of population, unexampled even in America can only be accounted for by emigration, that emigration is principally from Ireland, the inhabitants of Ireland and the emigrants from it are, almost exclusively Catholicks, from the moment they enter the interior of the State of New York they never see a priest nor a Catholic Church, in the State of Pennsylvania they are nearly in the same deplorable condition, the inference is as evident as it is painful, that these poor wretches who are now filling the vast frame of that country must in a few years, cease to be Catholicks, that their children will not have even an idea of the true Faith, that, as apostates they will be even more hostile to the Catholic Religion than those who have had the misfortune to be educated in heresy from their childhood. Permit me to ask your Eme. what is the conversion of a few infidels in the East, or a few protestants in the north, compared to the more sacred duty of aiding those children of our Church and saving them from apostacy? I place them at the feet of your Eme., and I adjure you, by the charity of Christ to give to their cause the whole attention of your great mind, and all the feelings of your excellent heart.

When the Holy See, at the advice of Bishop Carroll, erected the Dioceses of Boston, New York, Philadelphia, Bardstown, and New Orleans, it was the hope of Baltimore's great prelate that this measure would tend to lessen the losses of the Church; and "that the respective Bishops, feeling themselves responsible to God for the people committed to their care, would exert themselves to procure a numerous and zealous clergy to aid them in their ministry." After ten years, this hope had not been realized. Boston had not made any progress. In the Diocese of New York, Father Harold is quite certain that he underrates the number of Catholics who never see a priest as 60,000.

> These unhappy people never see a priest and are continually exposed to the artful and zealous exertions of Methodist preachers. Many of them have united themselves at least externally, to the sects which surround them, and if some remedy be not found, the same unhappy lot awaits the remainder.

In the Diocese of Philadelphia, where there were even more Catholics than in the State of New York, the same unhappy conditions prevailed. In Bardstown the only hope rested "on our Convent of St. Rose where there are fifteen professed Dominicans." Of New Orleans he knew nothing. As to the Archdiocese of Balti-

more, he does not wish to hazard an opinion, but he criticizes the clergy of that diocese as being engaged mostly in teaching in the colleges of Baltimore and Georgetown, and he stigmatizes "the remainder of the clergy of that See who were for the most part stationed on the estates belonging to the incorporated clergy of Maryland, which are of considerable extent, and were cultivated by slaves." Then follows the statement Harold once made to Dr. Carroll on this subject, and it was not well received, namely, that priests, when "appointed to superintend these estates and direct the labor of these slaves degenerate into mere farmers." It was this criticism of the clergy of Maryland which, as we will see later, militated against Father Harold when his name was proposed for the vacant Sees of New York and Philadelphia.

The hope of supplying the six dioceses within the United States with priests "has been entirely disappointed". The two causes which Father Harold gives to account for this failure, are: the lack of vocations among the American youth and negligence of the bishops to secure the interest of the Irish hierarchy in supplying vocations for the American missions.

> The American youth, in the cities and maritime provinces, will not devote themselves to the labour, the poverty and restraints of the priesthood in that country. Every other profession secured to its members wealth, rank, and independence, and leaves them free to indulge the propensities of human nature; the clerical state in that country holds out no other prospect to those who embrace it, but that of unlimited self-denial and endless toil, hence even if young persons felt an inclination for the Catholic priesthood, their parents would discourage a notion so incompatible with the interested views of the most ambitious and worldly minded people on the earth. When I was in Philadelphia I tried the experiment on two myself, their parents were extremely poor. When I had them sufficiently advanced in the classicks and was preparing to send them to college, one of them entered an attorney's office, what became of the other I know not, but both gave up their intention of becoming priests.
>
> The state of society in the maritime provinces of America offers so many attractions to human passions and pursuits, that the people and the times must greatly change, before the youth of that country will think of embracing the ecclesiastical state. They have hitherto depended on missionaries from

Europe, and must, for a long time to come, depend on them. When a student's place becomes vacant in the College of Maynooth, there is a concursus held in the Diocese to which the place belongs, no one can present himself at the concursus who has not finished his classical education, and whose moral and religious conduct cannot bear the strictest scrutiny. I have known thirty candidates so qualified to contend for one place for the Diocese of Dublin, and the number of candidates is still greater in most parts of Ireland. The Bishops of that country do not want, and, of course, cannot receive the twentieth part of those who offer themselves for Orders. How joyfully would these young men pass over to America if there were establishments fitted to receive them! This leads me to the second cause of the failure of the Bishops.

The persons first appointed by the Holy See to that dignity in the United States, had no connection with, or no influence in Ireland, the only country which can or will give missionaries to America. If there were colleges established in the Diocese of Philadelphia or New York, they would be immediately filled by as many students from Ireland as could be supported; and I have no doubt but the Catholicks of these States might be easily induced to supply the means. I think I had influence enough in the City of Philadelphia to have raised, for such purpose a thousand pounds sterling a year. The Catholicks of America, although they will not give their children to the service of the church, will afford every pecuniary assistance with a liberal hand. The peace and prosperity of the American Church will never be secured until such establishments are formed — Subjects alone are wanted, they are not to be found in the United States, and a French clergy will never look for them in Ireland where they abound. I might appear to do injustice (and I wish to avoid even the appearance) if I attempted to account for the little advantage which the mission of America has derived from the two colleges established there for more than twenty years. There are, in Ireland, many zealous and well-informed priests who would willingly devote themselves to the American Mission if they could calculate on a cordial reception from the ecclesiastical Superiors of that country, but it is not to be expected, that such men will give up at once their situations and prospects in their native land and pass to a most laborious mission, with the certainty of meeting a discouraging and chilling reception on their arrival; and a well-founded fear that, after a few years of thankless service, they will be forced to return to their country under the imputation of having abandoned their missionary labours, not

from bad treatment, but from want of zeal and levity of disposition.

I have heard many excellent clergymen reason in this way. But I never thought that the American Mission could be adequately supplied from those already employed in the service of the Irish Church. America demands a multitude of priests, the supply from Ireland is trifling and precarious both as to the number and qualifications of those whom the Bishops can permit to depart. The Irish Prelates take care to proportion the number of their subjects in the college of Maynooth, to the number of parishes in their respective Dioceses. It is not to be supposed that they will easily consent to the departure of any of their subjects, whose talents and morals qualify them to fill with advantage the places for which they are destined, and those who are deficient in either would be a curse rather than an acquisition to America. It has happened that Priests of the latter description have obtained leave from their Bishops to transport themselves from Ireland to the United States, and whilst there they did nothing but mischief. It is not from the priests, but from the educated youth of Ireland, that the Church of America has much to hope.

It is true that the supply of the clergy never met the demands being made constantly upon our first bishops by scattered congregations throughout the land. It is equally true that the appeal made to American Catholic young men to dedicate themselves to the priesthood was given a meagre and grudging response in those early days. It is unfortunately true also that, with few exceptions, those priests who replied from abroad to the call for missionaries in America left a trail of wreckage behind them from which the Catholic Church of even a century later has not recovered. Bishop Carroll had some thirty-five priests to minister to the 35,000 Catholics at the beginning of his episcopate. At the time of his death, the number of Catholics had more than doubled.

A map of the Catholic Church in the United States, drawn in 1815, probably by Father Bruté, later the first Bishop of Vincennes, gives us a few statistics for each of the States and Territories.[16] The total number of priests east of the Mississippi in the five dioceses comprising the Province of Baltimore is ninety-two. There were no resident priests in New Hampshire, Vermont, Rhode Island,

[16]Printed as illustration in Guilday, *Life and Times of John Carroll*, opposite p. 393. New York, 1922.

Connecticut, New Jersey, Delaware, North Carolina, Tennessee, and the Northwest Territory. Maine, Virginia, South Carolina, the Mississippi Territory, and the Territories of Indiana, Illinois and Michigan each had one priest. Massachusetts had 3; New York 7; Pennsylvania, 11; Kentucky, 13; Ohio, 8; and Maryland, 43.

Five or six years later, the number of priests was 117. In the Archdiocese of Baltimore there were 40 secular priests and 52 churches. In Boston, there were 4 priests and 3 churches. The Diocese of New York had 5 priests and 4 churches. In the Philadelphia Diocese there were 11 priests and 16 churches. Virginia had 2 priests. Kentucky had 15 priests and about 20 churches. The Carolinas had several priests with a Catholic population of 3,600. The totals, as given by Archbishop Maréchal for 1821, are: priests, 117; churches 100; Catholic population, 163,500.[17]

Father Harold as an eye-witness has given us a graphic description of clerical life at this time:

> The only competition which I could discover amongst the Sectaries themselves, and all the sects with the Catholicks, consisted in each endeavouring to have the public service in his own church administered with more decorum than in that of his neighbour — the great struggle is who shall have the most respectable minister. If the minister is an ignorant or an immoral man the whole congregation is involved in his disgrace, hence the people not only look for well-informed men and good preachers but keep a strict watch over their moral conduct. Things which in Europe would be comparatively harmless, would there give scandal and offense, hence the utmost caution and regularity is required from every clergyman of every Religion. But preaching is an indispensable duty and the Minister who pleases the people in that respect possesses unlimited influence over his flock. They feel and speak of him as proudly as if their existence depended upon his fame, nor is this confined to his own congregation, he is a kind of public property and venerated by all. A regular sermon is required every Sunday and it must be such both in argument and language, as may stand the criticism of protestants of the highest class and best information. Lawyers and

[17]Cf. Hughes, *op. cit.*, Doc., vol. I, pt. II, p. 959. A clerical directory for 1819 will be found in *The Clergy List of 1819*, article by Rev. E. I. Devitt, S.J., in the *Records*, vol. XXII (1911), pp. 238-267. For a comparison, cf. the list of the clergy in Carroll's time, in *Life and Times of John Carroll*, pp. 301-305.

persons of the other learned professions are generally present. The Catholicks triumph when their preacher succeeds in making his Religion respected by these persons. But on the other hand, should his language or arguments or style be found unworthy of the great cause which he undertakes to discuss, the flock is humbled and disgraced. This is the necessary consequence of the State of society and of the public mind on Religious differences in that Country, and to this your Eme. may trace the disputes between a French Hierarchy and an English people. They do not originate in any feeling of disrespect for their Bishops, though they unhappily lead to that deplorable feeling. They spring from a Zeal not always prudent, and a wish perhaps too ambitious, of not appearing inferior to their rivals. Charity will discover much that should be cherished in a Zeal which, tho' sometimes wrong, has religion always in view and wisdom will make great allowances for men placed in the condition of the Catholicks of America. They would be equally dissatisfied with priests and Bishops from their own country did they labour under the same incapacity of expressing themselves in the English language, which has occasioned their disputes with their present Ecclesiastical Superiors. I know some of the French Bishops in America, and I can say with pleasure and with truth, that their Zeal, their piety and learning are such as would have qualified them to govern with honour and advantage any church in their native country, but I can assure your Eme. with equal truth, that I could address a congregation of polished Italians in their own language, with as much effect as these worthy Prelates can produce on a congregation of enlightened Americans, and they are enlightened much more generally than any nation I have yet visited. The learned in Europe are far advanced above the learned in America, but knowledge is far more universally diffused among the people in the United States than thro' any nation in Europe. Any one with moderate talents and application may acquire such a knowledge of our language as may enable him to understand what is written in English, he may even converse so as to make himself well understood, particularly if he begin the study at an early age, but our pronunciation is so difficult, and the meaning of our words depends so much on the manner in which they are pronounced, that I have never heard a foreigner attempt to speak in publick in the English language who did not commit such blunders as it was impossible not to laugh at. Words of double meaning are, in every language proportioned to the simplicity or corruption of a people — Your

Eme. may well believe that in the language of England, such words cannot be few. These are never known at least by a foreign priest; and I have heard from the pulpit such words uttered as nothing but the ignorance to which I allude could have excused — To speak our language is most difficult to all foreigners, but to a native of France the difficulty is almost insuperable. The very serious inconvenience of preaching on controverted points of doctrine, in such a way even tho' none but Catholicks were present, must be evident to your Eme. The Catholicks do not, indeed they cannot disguise their feelings on such occasions. This produces a coolness between the flock and the Pastor which often ends in fatal and scandalous hostility. The foreign Pastor attributes the discontent of his flock to national prejudice, when in reality it is excited by the blunders which he unconsciously commits, and which expose himself, his people and their Religion to the sneers and contempt of the heretick.

In his analysis of the evils disturbing the peace of the American Church, Father Harold does not neglect to give us an estimate of the troubles caused by the trustees:

Though your Eme. must have often heard of these persons [he writes], you may not perhaps have a distinct idea of the nature and functions of their offices. The Catholic Churches in the United States are placed in circumstances quite different from the state of our churches in other Missionary countries —they enjoy all the advantages of an established church. Each church is, by an act of the legislature of the state in which it is situated, made a distinct corporation, and this incorporated body possesses all the rights and privileges of a citizen of the States. The Church in its corporate capacity can acquire and possess property of every description, they can purchase estates, receive legacies, appear in the Courts of law by their representatives, bring actions for the recovery of debts, and be legally sued by those to whom the church is indebted. When this law was enacted the American Catholic Church had not, nor has it yet, a native priesthood. They were obliged to receive those who came to them from foreign countries, with whose character they were unacquainted, and of whose continuance in America they could not be secured. Was it to be expected that they would commit all the property of their church and all its legal rights to persons such as these? The income of the churches is principally derived from an annual rent which each member of the congregation pays for his seat (pew) in the church and from a sum which is required for

each interment in the cemetery; every church has its cemetery. From the money raised in this way, all the expenses of the church are defrayed, the salary of the clergy, the ornaments of the altar, the hire of the Sexton and Organist, the repairs of the edifice &c. &c. &c. These pew rents and burial charges are recoverable by law. It was considered an odious and a dangerous thing for the priest to appear in a Court of Justice, as the prosecutor of his flock even for the recovery of just debts. Yet this would sometimes have been inevitable had he been appointed the legal representative of the church property. It was therefore thought prudent that a certain number of the respectable lay members of each church should be elected for these purposes. The Pastor is always President of the board, and no act of the trustees can have legal force without his signature. To prevent the abuse of power the lay trustees are annually elected. The priest is the only member whom the law recognizes as permanent without election. I do not know whether I have succeeded in making this institution intelligible to your Eme., but a more minute detail would encroach too much on your time and patience. I happen to have a copy of the act of incorporation of the church of St. Mary, Philadelphia, which may throw more light on this subject, and therefore send it to your Eme.

I have called this trustee system an evil, but it was perhaps an unavoidable one. The best and most intelligent Catholicks, with whom I have conversed on the subject, regretted, as I did, that such a mode of Church Administration had ever been devised. The Power of the trustees is too great and undefined and they have sometimes greatly abused it, as secular persons always will do, when they are permitted to meddle in ecclesiastical affairs. There is however no serious evil to be apprehended from them so long as the Priest makes himself respected by the body of the people. Once in my time in Philadelphia the trustees attempted to encroach on the rights of the Bishop and I received his directions to apprise the people of their designs. I did so, and their conduct was instantly and unanimously condemned by the congregation, and shortly after, these men were removed from their office and have never since been re-elected to it.

For convenience sake the term "Trusteeism" has been given to the various aspects of the disorder of ecclesiastical insubordination which had spread from one city to another along the Atlantic seaboard, between 1815 and 1820. If by the Trustee System, with its opprobrious place in American Catholic history, is meant solely

the dissensions which arose owing to the abuse of power over Church property by lay trustees, in whose name it was generally held at that time, then the term is a very faulty one. Trusteeism is but one aspect of the insubordination of the day, for around the priests who aided and abetted it, much of the opposition to legitimate ecclesiastical authority was centered during the period of unrest (1815-1829).

From the insubordination of the trustees, the spirit of Gallicanism arose; and the American prelates, helpless to a large extent in the attack upon their authority, had necessarily to look to their own superiors in Rome for light and guidance in the struggle. Unfortunately, the relations between Rome and Baltimore were strained at the time. Added to the feeling which existed in Carroll's day against the rule of the Sacred Congregation of Propaganda Fide, there was the remembrance of Neale's dramatic appeal to the Holy See itself for justice in the Southern troubles, and there was a series of official acts on the part of Propaganda during the earlier years of Maréchal's episcopate which kept that prelate and others like Cheverus constantly on the alert lest their authority be dissolved by the very power they expected to support it.

The arguments given by Propaganda for the erection of the Diocese of Richmond brought sharp replies from the Archbishop of Baltimore, who pleads with a friend in Rome to furnish Cardinal Fontana, the Prefect, with a map of the United States. The selection of the bishops for Philadelphia, Richmond and Charleston found Maréchal and Cheverus *glacés d'effroi* at what they felt was dangerous precedent on the part of Rome. The plea that Americans alone knew best the men to occupy episcopal Sees here was not welcomed at Rome, and what intensified the situation was the fact that the nation itself during this same period was passing through a stage of anti-foreign sentiment which stands apart in our history:

> American history comes to a new period in 1815. Before that year our chief concern was foreign affairs. This was not through the desire of the men of the day, but partly because the new nation must first of all adjust its relation with other powers, and partly because we could not rid ourselves of a connection with the prolonged commotion in Europe. In 1815 all this was past, and the government could give its

attention to domestic affairs. Another change was in leadership. For many years after the revolution the men in power were those who planned and won the struggle for independence. They were anxious for the "experiment" of republican government to succeed, and distrustful of federal centralization. In 1815 a new group was in control. They had grown up during the time when Americans thought more of the glory than of the difficulties of the revolution. They had confidence in the future, they were not afraid that a strong central government would destroy liberty, and they were deeply conscious of the evils of weak government as revealed in the experiences of the recent war. They were boldly American, and took up the task of legislation with firm hands.[18]

The second war for independence was just over. The consciousness of nationhood was just beginning to assert itself in the American mind. The great Westward migration had begun. Flat-boats and barges were crowding the rivers that flowed from the East to the Mississippi. Steamboats were soon to be seen, and thousands of wagons, filled with the emigrants from New England and the East, toiled along the roads towards the West. The Erie Canal was being talked about, and indeed became a reality in 1825, after eight years of labor. Indiana, Mississippi, Illinois, and Alabama were given Statehood in these five years (1815-1820). Everywhere the signs of prosperity, of happiness, of self-sufficiency, of self-reliance, spoke the language of a national youth which had no fear of the future. Florida was added to the fold of the nation in 1819, and the wave of independence which crossed the Gulf of Mexico never rested until it had swept across the whole of Spain's vast western empire, and Irish names were being emblazoned in the glory of the new freedom which was to have its declaration of independence written a few years later by President Monroe.

It was during this period, which goes under the euphonious though not strictly historical name of the Era of Good Feeling, that the Catholic groups within the nation's borders found themselves most at odds over the problem of authority in spiritual things. We have seen some of the causes of this unrest and dissension. How shall we sum it all up? Is it strict reasoning to view the strife which was slowly undermining the edifice built

[18]Bassett, *A Short History of the United States*, p. 363. New York, 1918.

by John Carroll as merely symptomatic of racial antagonism older than America itself? Or was it merely group interests within a race that predominated in the Church here? To some, it may appear that the root of the evil was Propaganda's method of Church government in the United States which augmented, directly or indirectly, the insubordination of some and the disheartening of others.

It is true that with few exceptions, no group of lay trustees would have been able long to continue the rebellion against the legitimate authority of the bishops unless it were being openly or secretly managed by priests who had forgotten their vow of obedience and equally sacred obligations. That the hierarchy was mainly French was not the result of French influence at Rome. That French pastors over congregations, such as Norfolk and Charleston, which were mainly composed of Irish and Americans, often failed to accommodate their methods to the manners and customs of the new Republic is certain. That there was intrigue at Rome to fill vacant American Sees with priests of Irish origin and that the Sacred Congregation of Propaganda failed to realize the opposition this would arouse in the American hierarchy of the day can no longer be accepted as historic fact. That the choice for the vacant See of Philadelphia was exceptional in the man and not in the method is evident from the correspondence of the time. That Bishop Connolly's administration of the New York Diocese (1815-1825) was disastrous to religious progress cannot be held, even though the contemporary witnesses, who like Bishop England, "admired his humility and his exertions in discharging the duties of the confessional, and attending the sick," agreed that "he was not generally considered to be a prelate acquainted with and fitted to form a new and extensive diocese."[19] That the action of the Sacred Congregation in ignoring the candidates presented by the American bishops for the Sees of Philadelphia and Charleston in 1820, and in appointing to these Sees bishops who could not have known American conditions, struck Maréchal and his suffragans with fear and led them to believe that the American Church was the victim of a foreign conspiracy, no one who has read the documents can deny.

[19] *Works* (Reynolds), vol. III, p. 244.

But do these statements lead us nearer the truth? We can ignore the charge that was made frequently against the French bishops of the United States, victims in most cases of the horrors of the French Revolution, that they were at heart men who did not accept our republican system of government.[20] And even impetuous rejoicings, such as those indulged in by Fathers Lucas and Clorivière in Norfolk and Charleston at the restoration of the Bourbons in France in 1815, can be ignored as striking contrasts to the unanimity of belief in the ideals of the American nation. Cheverus, Maréchal and Flaget, the leading bishops of the period, were American citizens, and nothing in their careers points to anything but a whole-hearted loyalty to the land of their adoption. Even Cheverus, who died as a Cardinal Archbishop and Peer of France, loved America to the end. It is equally idle to sustain any longer the thesis that the Metropolitan of Dublin, Archbishop Troy, was the chief of a group of influential Irish priests and prelates abroad who sought to control the rising American Church by means of appointees in our episcopal Sees. No Irish bishop was responsible for the intrigues of Carbry for the See of Richmond; of Browne and Gallagher for the See of Charleston; of Kelly for Virginia, or of Conwell for Philadelphia. No correspondence exists to show any trace of accepted allegiance between these aspirants and the bishops of Ireland. Bishop Concanen's appointment to New York and the appointment of his successor, Dr. Connolly, were not the result of intrigue; and Dr. Conwell's appointment to Philadelphia was made against the protests of his own diocese as well as to the consternation of Archbishop Curtis of Armagh, who wrote, on February 14, 1820, to Argenti, Secretary of Propaganda, that he was "persuaded that the thing was almost as improbable to believe as that he had been made Emperor of China."[21] Father William Vincent Harold's activities in his own behalf for the vacant See of Philadelphia may be an exception; but the traditional interpretation of his actions needs considerable revision.

In a certain sense, it may be admitted that underneath many of the troubles of the Church here from Carroll's death until the first

[20]Cf. De Tocqueville letters in *Yale Review*, vol. XII, p. 129.
[21]Cf. *Catholic Historical Review*, vol. VI, p. 262.

actual organization of a national Church discipline at the First Provincial Council of Baltimore in 1829, lay the fact that the Sacred Congregation de Propaganda Fide and the rising Church of America had not been able to reach an acceptable *modus agendi* in the question of filling vacant Sees. Indeed, not until the Second Provincial Council of Baltimore in 1833, do we find anything like a fixed method for the election of bishops in the United States. Up to that year, provisional and changing methods had been used. The decree of the Holy See, dated June 14, 1834, gave to our prelates the first definite system for episcopal elections.[22] The evolution of the law on episcopal elections from Carroll's appointment to the Second Plenary Council of 1833 is not a complex one to describe.

In the case of John Carroll's appointment, the Holy See allowed the priests of the United States *for the first time only* (*pro prima hac vice tantum*) to elect their own bishop. When Carroll asked for a coadjutor, Cardinal Antonelli, Prefect of the Sacred Congregation, permitted Carroll to propose one of his priests for the post, and promised that "the Holy Father would then appoint him coadjutor with all necessary and reasonable faculties."[23] When Bishop Carroll asked that the oath to be taken by the new coadjutor be changed, for fear it might give rise to charges of intolerance, the request was immediately (July 10, 1794) granted, and the oath taken by the Archbishop of Mohilow in Russia was substituted instead. In 1808, Propaganda not only acceded to Bishop Carroll's request for the division of his vast diocese, but actually appointed the three priests whom Carroll proposed as bishops for the new Sees. Archbishop Carroll had proposed no one for the See of New York and requested that that diocese be placed temporarily under the Bishop of Boston. The appointment of Bishop Concanen, who had acted as Carroll's representative in Rome after the death of Father Thorpe, can only be viewed as keen interest on Antonelli's part to see the whole Church government here properly instituted. Bishop Connolly's consecration at Rome as second

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[22]Cf. *Concilia Provincialia Baltimori habita etc.*, pp. 117-120. Baltimore, 1851.
[23]Cf. O'Brien, *The History of the Law governing Episcopal Elections*, p. 42. (MS. in the Library of the Catholic University of America). Washington, 1906.

Bishop of New York (November 6, 1814) was the direct action of the Holy See, and was the second instance in which an alien superior was placed over an American See.

Up to the year 1810 Propaganda had made no positive law for the American Church in the matter of episcopal elections; and in the absence of any regulations on the subject, the hierarchy at its meeting in 1810 petitioned the Holy See to permit the nomination to vacant bishoprics to be made in the United States, that is, "to proceed solely from the Archbishops and Bishops of this Ecclesiastical Province."[24] When Bishop Egan died (July 22, 1814), no regulation of this nature had been made by Rome, and Archbishop Carroll and his suffragans did not care to send unsolicited their views regarding candidates for the vacant See of Philadelphia. They decided, however, that it would be within their rights to send to Rome the names of several priests whom they considered acceptable, and Fathers David and Du Bourg were so named. After the restoration of Pius VII, Archbishop Carroll returned to the subject in a letter to the Holy Father, and asked that a plan for the filling of vacant Sees be adopted for the American Church. That nothing was done to establish a permanent method of episcopal elections between 1810 and 1815 cannot be interpreted as negligence on the part of the Holy See, since for all practical purposes the business administration of the Church in Rome was at a standstill during these years, owing to the prolonged exile of Pius VII and the Cardinals during those years.

Archbishops Neale's and Maréchal's experience with the Roman authorities was, therefore, similar to that of Carroll, to whom a large measure of home rule had been permitted, and if during the fifteen years following Carroll's death a distinct change of policy is evident, it is only during that period; for, after the transfer of Bishop Cheverus to Montauban in 1823, and the death of Bishop Connolly in 1825, the Holy See granted the wish of the American Bishops and appointed Father Benedict J. Fenwick, S.J., and Father John Dubois to their Sees. Archbishop Whitfield's appointment as coadjutor was the result of Maréchal's expressed wish (January 8, 1828). In fact, the days of foreign interference in the election

[24]Cf. O'Brien, *op. cit.*, p. 50.

of American bishops had ceased long before 1829, when the First Provincial Council met at Baltimore, and even the regulations agreed upon in 1833 were not framed for the purpose of avoiding alien interference, so much as to obviate a too powerful influence on the part of any one American bishop over the Church in the United States.

Other aspects of the Catholic life of the nation with which we have grown familiar need not be placed in the general review of the interval treated in this Introduction. They add little to our knowledge of internal Church government and indeed tend to blur the picture. Such, for example, would be the intense interest shown by Americans of Irish parentage in the struggle for Catholic Emancipation in the British Isles; the influence of the Irish newspapers of the day with their meagre news of American Catholic affairs; the Catholic societies organized for pious and benevolent purposes; the spread of Catholic literature; the printing of the Catholic Bible, and the many other intellectual and social forces at work in the making of Catholic America.

The high-lights of the picture of these five years are bold and striking. Whatever the causes of the "scandals and tumults" may have been in their last analysis, one fact is more vivid than the others, namely, that the Church in New York, Philadelphia, Norfolk, Charleston, and Savannah was at the mercy of malcontent groups whose theories of spiritual government boded disaster to Catholic progress. In none of these centers or congregations was the conflict between legitimate spiritual jurisdiction and rebellious trustees as serious as in Charleston. Had that city been captured by connivance and placed under schismatical rule, the seamless robe of the Catholic Church in the United States would have been divided, probably for all time. To this city, John England came in the Providence of God as its first bishop. The ease with which the young prelate, who was but thirty-four years old, mastered the evil of disunion which had fairly laid the Church waste there, is a story of Church statesmanship scarcely equalled since John Carroll's day. Out of disorder he pointed the way to the triumph of episcopal authority. His life and his works will live forever as a pledge that the heart of the Catholic Faith beats instinctively in harmony with the noble idealism of our land.

CHAPTER I

Early Years
(1786-1802)

If the Cork of John England's boyhood has been described accurately in the pages of Justin McCarthy's *Irish Recollections* as "a city surrounded by some of the most picturesque, poetic, and delightful regions to be found anywhere throughout the island," with its encircling landscapes of soft colors and beauty, then we can readily understand why, during the score of years John England governed the Church in the Carolinas and Georgia, his love for his native town never lessened, and why his memories of the years there as boy, man, and priest, never grew dim. The young people of John England's day were to become the fathers and mothers of the generation pictured with such charm in the *Recollections*, and outstanding in the lives of fathers and sons was one trait above all others—a great love for learning. "I have seen many countries", Justin McCarthy writes, "since those days of my youth in Cork city, but I have never been in any place where the love of literature was more warm, more sincere, and more general than in that community amid which I was brought up. I have sometimes felt tempted to describe my native city as another Weimar—." Strangely enough he does not mention John England, though their lives overlapped. Many others whose names are interwoven with the story of Cork pass in review under his pen: Father Theobald Mathew, the apostle of temperance, who carried out his world-movement from Cork as a centre; "Father Prout" (Reverend Francis Mahony), whose *Shandon Bells* will never allow St. Mary's Church at Cork to be forgotten; James Joseph Callanan, the poet, who was born in Cork in 1795; and John Francis Maguire of the Cork *Examiner*. Of John England there is not a word; and this in spite of the fact that Cork placed the Bishop of Charleston among her worthiest sons.[1]

[1]Cf. Windele, *Historical and Descriptive Notices of the City of Cork and its Vicinity*, pp. 142-144. Cork, 1844; Cusack, *History of the City and County* of Cork. Dublin, 1875.

Lavish as Ireland has always been, *sicut vitis abundans,* in sending her children to all parts of the world and especially to America, once they leave her side, she seems sometimes to forget them. Her mother's heart is solaced at all times by their profound attachment to their native soil, to its legends and to its history; but for her they are gone forth forever. At times, even, she gives them a cold welcome when they return to revisit the old scenes of their childhood. In the past her own problems, always of the direst, were lightened as these her sons and daughters passed beyond sight of her green hills and spacious harbors, and she forgot and sometimes forgot quickly these sturdy scions of her house who won fame and glory for her beyond the seas.

Today Cork knows John England no longer. The memory of the schoolboy with his buoyant nature, the student at law and later the theologian, the young priest who was soon to become a formidable opponent to the Irish Concordat, the first lecturer in its new cathedral, the diocesan superintendent of its schools and the first president of the diocesan seminary—these have been forgotten and there remains but the shadowy recollection of the great bishop, buried somewhere in America. It is true that the bulky Guides and Histories of the City and County of Cork chronicle his life among the celebrated men of the past, but his memory has not been handed on from generation to generation. The Cathedral of Cork has its memorial tablet surmounted by the bust of Bishop England, but in reality the terse words of the memorial are about all there is in Cork today to perpetuate his name:

> Sacred to the Memory of the Right Rev. John England, First Bishop of Charleston, U. S. America, who died April 11, 1842, in the 22d year of his episcopacy and 56th of his age. He loved his native land with an ardent love and served her devotedly, but he loved God more and left home and people to preach His gospel to the stranger. Tho' his body sleeps in a distant grave, wet with the tears of the orphan and the negro, his memory will be ever dear to the friends of his early years. Alas! they have but this empty marble to record his death and perpetuate his name. Requiescat in Pace. Amen.

The sources of information for the early life of this distinguished American churchman are almost as meagre as the tablet in the Cathedral of Cork. Apart from a single reference in a letter to

be found in the England-Fuller controversy, dated October 10, 1839, there is very little in his own correspondence concerning his immediate family or himself. In Cork there is none today who bears the name of England. Few traditions about him were found either in Cork or in Bandon where he was parish priest; and in all that remains there is little the historian can accept as evidence for these early years of England's life. There is no clue to explain the origin of the family, or of the family name which is indeed a striking one in as Irish a city as Cork.[2] Even the reference alluded to above is not so clear as might be expected from so facile a pen:

> More than forty-four years have passed away [Dr. England wrote to Fuller, in 1839], since a man, then about sixty years of age, led me into a prison, and showed me the room in which he had been confined, during upwards of four years, in consequence of the injustice to which the Catholics in Ireland

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[2]Hart, in his *Irish Pedigrees* (vol. I, p. 743), merely mentions the surname "England" as one of the curious names to be found in Ireland. Cf. Harrison, *Surnames of the United Kingdom*, vol. I, p. 224 (London, 1912). Woulfe, *Irish Names and Surnames* (Dublin, 1923), does not explain the name. The surname, England, was known in Ireland from pre-Reformation times. As early as 1512, the *Calendar of Christ Church Deeds*, No. 399, speaks of a Sir William England, canon of Holy Trinity (now called Christ Church), Dublin, who witnessed a declaration regarding the maintenance of a priest at Castlemartin, County Kildare. John England, canon of Holy Trinity, signed various leases in 1513, 1531, 1533, and 1538 (*Calendar of Christ Church Deeds*, Nos. 1154, 1158, 1159, 1170). *The Fiants* of Elizabeth show that the name England was not uncommon in the south of Ireland. There are eighteen entries in the *Fiants* regarding persons of that name. In fact, it is surmised that the name (sometimes disguised as Inglond or Yngland) occurs in medieval times in Ireland. Cf. indices to *Cal. Doc. Ireland.* Woulfe (*op. cit.*, pp. 221, 300) gives the name "English," a better known derivative of England. Father Woulfe has given to the writer the following: "*The Family of England*: This family came into Ireland about the period of the Anglo-Norman Invasion. Probably not having as yet adopted a hereditary surname, they were called from their place of origin—England. 'Walterus de Anglia' appears in the Dublin Roll of Names, A. D. 1226. In later times the home of the family seems to have been at Ballyengland, a townland of nine hundred and twelve acres, in the parish of Askeaton, Co. Limerick (*Ordinance Survey*, sheet II). In the 16th century the Englands of Ballyengland ranked as gentry. Several of them are mentioned in the *Fiants* of Elizabeth. There were then very few of the name in any other part of Ireland—apparently only one being connected with Cork. In the 18th century two of the name appear in the Lists of Converts from Popery, one resident in Dublin and the other at Cahircalla, County Clare. The name was never very widespread, and a few families who now bear it are located chiefly in Limerick and Cork." The Deputy Ulster King-at-Arms writes to me (June 23, 1920) that no pedigree is recorded for the family.

were subjected in those days of persecution. On the day he was immured, his wife was seized upon by fever, the result of terror; whilst she lay on her bed of sickness, she and her family were dispossessed of the last remnant of their land and furniture; she was removed to the house of a neighbour, to breathe her last under a stranger's roof. Her eldest child had completed his seventeenth year a few days before he closed her grave. Two younger brothers and two younger sisters looked to him as their only support. He endeavored to turn his education to account. It was discovered that he was a Papist, as the law contumeliously designated a Roman Catholic, and that he was guilty of teaching some propositions of the sixth book of Euclid to a few scholars that he might be able to aid his father and to support his family. Informations were lodged against him for this violation of the law, which rendered him liable to transportation. Compassion was taken upon his youth, and instead of proceeding immediately to the prosecution, an opportunity was given him of swearing before the Protestant bishop that he did not believe in the doctrine of transubstantiation, of penance, and of the invocation of the saints; and a certificate of the prelate would raise a bar to his prosecution. The youth knew no principle in his church which would excuse his perjury. He escaped and fled into the mountains, where he remained during more than a year, subsisting upon the charity of those to whose children he still communicated the rudiments of learning, but in the most painful anxiety as to the state of his father, brothers and sisters. The declaration of American Independence, and the successful resistance of the colonies, produced some mitigation of the persecutions which the Irish Catholics endured. This fugitive returned by stealth to the city, and was enabled to undertake the duties of a land surveyor, to have his parent liberated, his family settled, and he became prosperous.[3]

Thomas England was left to follow the profession of surveyor, since this profession which was not known before 1745, was not barred by the penal code. John England was the eldest son of this fugitive, as he calls his father.

Bishop England's father came to Cork from the County Tipperary, having been engaged on some business of land survey for the Government. In the course of his business he called at the house of

[3]*The Works of the Right Rev. John England, first Bishop of Charleston, collected and arranged under the advice and direction of his immediate Successor, the Right Rev. Ignatius Aloysius Reynolds, and printed for him in five volumes;* vol. III, p. 98. Baltimore, 1849. Cited as *Works* (Reynolds).

a Mr. Lordan of Dunderrow, and a mutual attraction sprang up between him and Honour, or Honora, one of the daughters. Later Thomas England proposed marriage but the girl's parents objected. Miss Lordan persisted in making her own choice and went with Thomas England to Cork to be married. They set up a tobacco business in Cork and prospered.

The Register of Marriages in St. Finbarr's Church, Cork, contains the following entry:

> 1785, by Dr. E. Lyman, Vicar General, April 15th, Thomas England—Honour Lordan. Witnesses: Thomas and Timothy Lordan, brothers to the girl.

In his *Memoir of Bishop England*,[4] William George Read tells us that on one occasion he was speaking to the bishop about the England family and he asked how, with a temperament so ardent, and gifted as he was with talents so eminently adapted to civic or military life, he could have found his way to the sanctuary. England answered that, though she never told him of it till after his ordination, "his mother took him to the temple in his infancy and offered him to God", as Anna had done with Samuel. The Register of Baptisms of St. Mary's Cathedral, Cork, gives the following as the children of Thomas and Honora Lordan: John (1786); Thomas (1790); Michael (1792); Anne (1794); Edward and Ellen, twins (1795); Mary Elizabeth (1796); Richard (1798); Joseph (1799); Joanna (1801). Thomas, the second son, became a priest and died as parish priest of Passage, in the Diocese of Cork, in 1847.[5] In the *Diurnal*[6] which Bishop England kept from August, 1820,

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[4]In vol. I, pp. 4-20, of England's *Works* (Reynolds).

[5]Thomas England is the author of two excellent volumes: *Letters from the Abbé Edgeworth to his Friends, with Memoirs of his Life, including some account of the late Roman Catholic Bishop of Cork, Dr. Moylan, and Letters to him from the Right Hon. Edmund Burke, and other Persons of Distinction* (London, 1818), and *The Life of the Rev. Arthur O'Leary, including historical anecdotes, memoirs, and many hitherto unpublished documents illustrative of the conditions of the Irish Catholics during the eighteenth century* (London, 1822). It is evident from the preface to this latter volume that John England was himself engaged upon the life of the celebrated Franciscan of Cork, but turned his papers over to Thomas, when he left for Charleston in 1820.

[6]*The Diurnal of the Right Rev. John England* (Phila., 1895) is a journal kept by Bishop England from August 25, 1820, to December 5, 1823. It was brought from the Presentation Convent (North), in Cork, where England's sister was many times Superioress, by Rev. John W. Murphy, of Portland, Me., in 1881. Father Murphy gave the *Diurnal* to Georgetown College in 1891, and it was prepared for publication in the *Records* of the American

to December, 1823, we learn that Edward's son John became a professor at Queen's College, Cork.[7] Three girls survived in the family, Anne, who married Michael Joseph Barry; Mary (Sister Catherine), who entered the Presentation Order, in Cork, on November 21, 1811, became Superioress of the North Convent, and died there on July 27, 1872; and Joanna Monica, the youngest of the children, who accompanied Bishop England to Charleston, and died there during a yellow fever epidemic, on October 14, 1827. His father died in 1812. His mother was living at the time of his consecration as first Bishop of Charleston.

It is regrettable that we have only the barest facts of John England's boyhood. He was born at Cork, on September 23, 1786, eight years after the first Catholic Relief Act of 1778, and four years after the more liberal Act of 1782. Passed in the dawning of a new political and intellectual era for Ireland, his boyhood was influenced to a large extent by the changing conditions at home and by all the subtle influences which Europe was experiencing after the French Revolution of 1789. He was thirteen years old when the Rebellion of 1798 filled his native land with scenes which rivalled the Terror. Dean Cogan's description of the situation gives us an insight into the memories of these days which Dr. England carried with him to the grave:

> The wholesale executions of 1798, and the unlimited license of oppression permitted to all who were anti-Catholic and anti-Irish, reduced the people to the last degree of misery and desolation. Martial law reigned supreme; wealth, promotion, and worldly honours awaited political turpitude; it was treason to love Ireland, and death to defend her; the country was overrun with military. There was no protection for life or property; all constitutional action was dispersed at the point of the bayonet; freedom, there was none. Ireland was treated as a conquered, as an enemy's country, and thus, in the hour of

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Catholic Historical Society (vol. VI, pp. 29-56), by the Rev. Dr. Thomas C. Middleton, O.S.A., of Villanova College. While making some researches in the Archives of the Bishop's House, Charleston, S. C., in the summer of 1922, I found another *Diurnal*, in England's handwriting. Both are identical in all except length. The Cork *Diurnal* is ninety pages long; the one at Charleston is only fifty-two pages long. I have concluded that Bishop England wrote two *Diurnals*, one for his sister, Sister Catherine, and the other for his own archives.

[7] "On the day of my consecration I had also baptized a son for my brother, Edward, which was his first child and was called by my name", *Diurnal*, p. 4.

our prostration and helplessness, we were robbed of our national independence. It was at this sad hour, that the British Government sought to accomplish another conquest, and that was the subversion of the faith of the Catholic people of Ireland. Penal laws the most atrocious, massacres, confiscations, the galling, grinding, and bigoted tyranny of two hundred years, all failed to uproot the faith of Catholic Ireland. She would not be killed by the sword, and the British Minister now sought to poison her with a golden draught. To effect this end, she was to be clad in purple robes if she consented to be bound with chains of gold, and to have round her brow the fillets of royalty, provided she vowed fidelity to her new spouse, and allowed the serpentine embrace of British love for Catholic Ireland to convey the virus to her very heart. The bribe, for such it assuredly was, must be regarded as the more insidious and dangerous, inasmuch as it promised repeal of the iniquitous penal code, complete Catholic Emancipation, and a new regime of justice to the afflicted country, concessions which the Irish prelates, from long and bitter experience, had little or no hopes of ever obtaining from the Protestant Parliament of Ireland. In a word, visions of glory and happiness were held before the Irish Church. Her days of slavery, her long nights of bondage, were to have passed away. She was to come forth from the catacombs, decked with all the dazzling finery of the queen, but only that she might sicken and pine under the baneful shadow of British supremacy. However, there was faith still in Israel, as my Lord Castlereagh and his wily and astute employers found to their cost.[8]

John England was of college age when the Union was being discussed. Everyone spoke the language of politics in those days, and the hope held out for Emancipation after almost three centuries of oppression, with the sickening disillusion that followed, left a scar on the soul of the future priest and bishop which even the enjoyment of American freedom never wholly obliterated. This is a significant factor in any estimate of John England's career. The formative period of his life, when impressions were cut deeply

[8] *The Diocese of Meath etc.*, vol. III, pp. 229-230. Dublin, 1870. Cf. *Glimpses of the Penal Times*, article by Rev. Reginald Walsh, O.P., in the *Irish Ecclesiastical Record*, vol. XXVIII (1910), p. 374. Other treatises on the penal code are: Madden, *Historical Notice of the Penal Laws against Roman Catholics* (London, 1865); Parnell, *History of the Penal Laws* (Dublin, 1808); Bellesheim, *Geschichte der katholischen Kirche in Irland*, vol. III (Mainz, 1901); Plowden, *Historical Survey of the State of Ireland from Henry II to the Union*, 2 vols. (London, 1803).

upon his character, was spent amid an intense politico-religious development of his country's fortunes. To measure the full effect of these influences upon his later life is well-nigh impossible in the absence of information of a more authentic nature. The brilliant preacher in later life should be visible in these early years; and the swift, forceful, argumentative powers which reached their fullest development in a strange land, must have been awakened by the contending political and religious factors in Cork during this time. His instant rally to every cause in favor of the poor, the afflicted, and the down-trodden; his irrefragable spirit of liberty; and his bitter invective against injustice of whatever nature, all find their explanation in his education and in his close attention, even in boyhood, to the trend of events taking shape around him.

There were sad and bitter days ahead of him as a member of the American hierarchy; there were setbacks and misunderstandings with equals and with superiors in ecclesiastical circles which would have chilled the ardor of many a prelate not endowed with his sanctity, his earnestness, and his enthusiasm. For undoubtedly John England became the most striking ecclesiastical personality of his day in the United States; and of all the prelates who graced the American episcopate during the score of years he ruled over the See of Charleston, none understood so thoroughly and with such mastery the genius of the American people and the ideals of their government. To delineate his character, therefore, no factor in his early training should be overlooked; moreover, it is precisely in the matter of his primary education that we best understand how the schools of Cork of that day could have given him the foundation he must have possessed for the great learning he acquired in later years. The education received in the "hedge schools" was extraordinarily efficacious (as Corcoran has shown in his *State Policy in Irish Education*) and far ahead of anything available in England or in most parts of the continent.

The eve of Ireland's emancipation may be said to have appeared some twelve years before his birth. The Irish Act of 1774 had considerably eased the thorny question of the Oath of Allegiance to the British Crown, and Catholics were permitted, tacitly at least by their spiritual leaders, to subscribe to its formula. The way was thus cleared for further modifications of the penal code, but the

Acts between 1778 and 1792 contained new restrictions against educational freedom. The change, however, could come but slowly, and the shadow of the penal code remained over the people until long after John England had reached Charleston.

One of the most deplorable effects of the century-long struggle between an overweening Protestant ascendency and Irish Catholicism was to be seen in education, primary and secondary. The penal code is the acknowledged shame of every enlightened Englishman, and its baneful influence on Irish progress and Irish intellectual development is recognized by all historians of that race. A writer of our own times has summed it up as follows:

> The Irish penal code has long occupied an evil pre-eminence among the similar codes of Europe. Though its worst enactments may be paralleled, if not exceeded, in the decrees of Louis XIV against the Huguenots, or the Swedish legislation against the Jesuits, yet in its symmetric completeness, its multiplicity of cruel detail, it stands apart and alone. In other countries the laws were passed against minorities. They were the scalpel, as it were, for the excision of something alien from the body politic. In Ireland it may be likened to poison injected into and diffused through every current of the national life. Their purpose was not to benefit the country as a whole, but to pauperize, degrade, and enfeeble it.[9]

It is a problem still discussed by historians whether the authors of the penal code from Elizabeth's day to that of William and Mary ever sincerely entertained sanguine hopes of destroying the Catholic Faith of the Irish people. Some authorities, such as Lecky, have the belief that many of the penal laws were passed solely *in terrorem*. But that the penal code was carried out as far as possible to the letter in Ireland is based upon evidence too authentic to be doubted; nor can it be denied that a logical plan lay behind the functioning of these laws.[10] To pauperize the people of Ireland both by disabling the Catholics from holding property and by enabling Protestants to confiscate Catholic property at will was one aspect of the warfare *à l'outrance* against the age-long Faith of Ireland. But even more conclusive in their degrading effect were

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[9]William P. Burke, *The Irish Priests in Penal Times (1660-1760)*, p. 5. Waterford, Ireland, 1914.

[10]Charles Butler, *Historical Account of the Laws against Roman Catholics.* London, 1795.

the penal laws abolishing totally all education of a Catholic nature or under Catholic auspices in the land.

From 1580, when this inhuman legislation began, until 1782, when the uselessness and the danger of its continuance induced the Irish Parliament to pass a Relief Bill partially repealing it, the Statute Books were being constantly disfigured with barbarous enactments against freedom in education.[11] To the Irish Catholics of every generation during these two centuries, loss of property and even of personal liberty were regarded as far less a risk than the loss of learning.[12]

From the remarkable series of documents published by Father Timothy Corcoran, S.J., in his *State Policy in Irish Education,* no fact can be more clearly stated than the eagerness of the Irish people at every period under the penal laws for the education of their children. The reflection of John Howard, who visited Ireland in 1782-84, and in 1787-88, for the purpose of investigating the conditions of primary education is an example of this:

> At the cabins on the roadside [Howard writes], I saw several schools, in which, for the payment of 3s.3d *Irish* per quarter, children were instructed in reading, writing, and accounts. Some of these I examined as to their proficiency, and found them much forwarder than those of the same age in the Charter schools. They were clean and wholesome, and consisted of children of both protestant and catholic parents. I hope I shall not be thought, as a protestant dissenter, indifferent to the protestant cause, when I express my wish, that these distinctions were less regarded in bestowing the advantages of education, and that the increase of protestantism were chiefly trusted to the dissemination of knowledge and sound morals.[13]

These "cabin-schools" were frequently called "hedge schools", as Gerald Fitzgibbon has pointed out,

> from a common custom of adjourning from the poor cabin of the master, when a fine day invited, to the shade of the

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[11]Scully, *A Statement of the Penal Laws which aggrieve the Catholics in Ireland: with Commentaries,* p. 267. Dublin, 1812.

[12]Lecky, *Leaders of Public Opinion in Ireland,* vol. I, p. 19. New York, 1903. Cf. *History of Ireland in the Eighteenth Century,* vol. 1, p. 146. New York, 1897; Mason, *Essay on the Antiquity and Constitution of Parliaments in Ireland,* Introduction (by Canon O'Hanlon), p. 127.

[13]*State Policy in Irish Education (1536-1810), exemplified in documents collected for lectures to postgraduate classes etc.,* p. 119. Dublin, 1916.

neighbouring hedge, where the poor children had the double advantage of inhaling fresh air, and learning their task.

The hedge schools around Cork had probably ceased when young England was ready for his elementary schooling, but they reflect admirably the determination of Catholic parents to afford an education to their children and also the love of learning which still remained in the Irish hearts after two hundred years of slavery under an educational programme which they would not and could not accept. Another striking proof of this fact comes from Peel, the Chief Secretary for Ireland, who said in the House of Commons, on February 27, 1816:

> I can state as a fact within my own knowledge, that the greatest eagerness and desire prevails among the lower orders of Ireland for the benefits of Instruction; and I regard it as the imperious duty of everyone, even in these times of economy, not to obstruct the progress or the limits of Education.[14]

The educational clauses in the Acts of 1782, 1792, and 1793 are of considerable importance in a proper estimate of the environing factors of John England's boyhood. Up to 1778, the penal laws rendered it treasonable to encourage Catholic education of any kind in Ireland. Schools were not permitted for Catholic children, and any private assembling of boys and girls for instruction by Catholic schoolmasters was forbidden under the severest penalty.[15] Rewards were placed upon the heads of the schoolmasters guilty of teaching, and among the penalties was that of transportation to the West Indies or the colonial plantations. Canon Burton has justly estimated the Act of 1778 as "the beginning of that slow restoration of our rights which was to culminate in Catholic Emancipation."[16] The suddenness with which the Act was passed shook the general prejudice against the Catholics of the British Isles to the center. Charles Butler says the Act of 1778

> disposed their neighbours to think of them with kindness;

[14] *State Policy etc.*, p. 39. Some "hedge schools" flourished until 1860.
[15] Act of 1709 (8 Anne, c. 3, sect. 16), cf. Corcoran, *op. cit.*, pp. 95-96.
[16] *Life and Times of Bishop Challoner*, vol. II, p. 181. London, 1919. Canon Burton is describing English conditions. The emphasis on the change does not hold altogether for the Irish situation. England had about 50,000 Catholics in 1778; Ireland's population was 80 per cent Catholic.

it led the public to view their pretensions to further relief, with a favourable eye; and it restored to them a thousand undescribable charities, in the ordinary intercourse of social life, which they had seldom experienced. No Catholic, who recollects the passing of the bill, will ever forget the general anxiety of the body, while it was in progress through Parliament, or the smile and friendly greeting, with which his Protestant neighbour met him the day after it had passed into law.[17]

Father Corcoran has also given us a paragraph on the gradual relaxation of the penal laws against Catholic education which deserves to be cited:

It will be observed in the Documents on this subject, 1782 to 1816, that the process of emancipation was not precipitate. Most of the "Irish Patriots" were, indeed, alarmed at the pace set. Lord Charlemont wrote in 1783, of the first meagre concessions of 1782, that the end "might have been gained by concessions less extensive.... Our liberality, in the paroxysms of its fever, was madly profuse. *We gave too much at a time.*" Grattan had to say to the Commons, in 1792, that (to cite his exact words) "I love the Roman Catholic. I am a friend of his liberty, but it is only in as much as his liberty is entirely consistent with your ascendency, and an addition to the strength and freedom of the Protestant Community." The great measure of educational freedom in 1793 was forced through the Parliament in Dublin by the strong hand of Pitt, when the same members had by a majority of almost ten to one rejected with contumely the petition in this sense of the Irish Catholics, made but the year before.[18]

The broader educational freedom of 1793 came when young England was ready to enter a primary school of some kind in Cork. That he was placed by his father in one of the non-Catholic schools in the city needs an explanation. There had been in Ireland for a long time several chains of Protestant elementary schools. There were the Parish Schools, founded in the reign of Henry VIII, which left the vast mass of the people untouched because entrance meant apostacy. The Diocesan Free Schools, founded in Elizabeth's reign in 1570, were never prosperous; only

[17] *Historical Memoirs of English Catholics*, vol. II, p. 83; cf. Burton, *op. cit.*, vol. II, pp. 206-207. An accurate list of the Statutes passed in the reign of George III (1760-1820) for the relief of the Catholics in Ireland will be found in the *Castlereagh Correspondence*, vol. III, pp. 158-160.

[18] *Op. cit.*, p. 34.

eighteen of them being in existence at the end of the eighteenth century. The Erasmus Smith Schools, begun in the Cromwellian period, were still in existence, but they were never blessed with success. There were also the Charter Schools, which were instituted in 1733, but these were frankly sectarian, erected for the purpose of making Protestants of the little Papist boys and girls; for if the children could be prevented from acquiring the knowledge of their faith, the days of Catholics in Ireland were numbered.[19] Scully describes their principle as that of pure and unmitigated proselytism:

> In this pursuit [he writes], the utmost rigour is exercised—Catholic children are removed from their parents, cast into these schools, compelled to shun their kindred, and to renounce the first duties of nature. To cut off all intercourse, and extinguish all recollection of filial ties — they are transplanted to the districts most remote from the residence of their parents, and there brought up in the most profound ignorance of their names, situation and very existence. From this ignorance, and from the confusion arising from it, have ensued distressing consequences; and in some cases, even incestuous marriages. Nor is this all, for, the Catechisms placed in their hands inculcate sentiments so hostile and virulent against the Catholic population, that the children (if they learn anything) learn only to detest and despise their parents and relatives. Thus the mode of proselytizing the poorer Catholics to the Protestant religion, or, as it is termed "instructing them in pure religion and loyalty", is that of teaching them to become bad sons, bad brothers, and worse than barbarians, in order to become good Christians and good subjects. These schools are most odious and offensive in a Catholic country; and, in their effects, little better than seminaries of discord, rancour, vice and irreligion. Nor are they available in any great degree, for their professed objects. The children upon leaving them, generally become ashamed of the place of their education, by reason of the general opprobrium attached to the name of *Charter Schools*. Great numbers return to their parents, if they can discover them, and embrace their religion. Others elope from their

[19]Cf. Riordan, *Catholicity and Progress in Ireland*, chap. XXIII, pp. 420 ss. (*A Review of Education in Ireland*). London. 1905. Cf. Walsh-Cosgrave, *Ireland One Hundred and Twenty Years Ago*. Dublin, 1911; on the *Charter Schools*, which were the most progressive: Froude, *The English in Ireland in the Eighteenth Century*, vols. I and II. London, 1872; Lecky, *History of Ireland in the Eighteenth Century*, vol. I, pp. 233-38; Fitzpatrick, *Life of Dr. Doyle etc.*, vol. I, p. 499.

> masters, emigrate to America, or betake themselves to evil courses. Few adhere to the religion of the Charter School. Indeed, institutions, so abhorrent to the laws of nature and humanity, cannot be expected to flourish. By the unerring decree of every feeling heart, they stand condemned to decay and disgrace.[20]

The Charter Schools had been recognized by the Irish Parliament in 1747, but the management of them was so notorious that little good could be accomplished. One thing is certain: none of these schools could boast of great success in its profession of making Protestants of the boys first and then educating them. Immense sums of money were spent on these school systems; but, with rare exceptions, no Catholic boy could be trained in their halls except at the cost of something dearer to him than book-learning, his Faith. Ireland was the happy hunting ground for proselytizers during the eighteenth century, and one has to look with a kindly eye on the militant Protestantism of those days not to be astonished at the bitterness with which such organizations as the "Incorporated Society for Promoting English Protestant Schools in Ireland" pursued their unsavory work. The Charter Schools were veritable Do-the-boys Halls. They were managed by Protestant teachers; the books were blatantly Protestant; the Protestant religion was taught in their class-rooms and the lessons in that religion consisted chiefly in diatribes against the Catholic Church. They catered chiefly for Catholic children, but before any Catholic boy might be accepted, his parents had to sign a statement to the effect that they wished him to be reared a Protestant.

> Poor Catholic children [writes Healy], if they could not be flogged from Popery, they might, perhaps, be allured to Protestantism; but the bribe and the lash were equally unavailing. The Royal Schools and the Charter Schools and the Erasmus Smith Schools all continued to be empty of Papists.[21]

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[20]Scully, *op., cit.,* p. 268. Cf. *Conditions under which "Persons professing the Popish Religion" may be permitted to teach* (21-22 Geo. II, c. 62), in Corcoran, *op. cit.,* p. 117.

[21]Healy, *Maynooth College; its Centenary History (1795-1895),* p. 47. Dublin, 1895. Cf. *A View of the Political, National, and Commercial Circumstances of Ireland,* p. 19. Dublin, 1809. The Protestant Bishop of Meath, the apostate Thomas Lewis O'Beirne, in 1799, says that the Catholics were withdrawing their children from the Protestants schools in such large numbers that the

Such was the status of public elementary education up to the year 1782, when Catholic schoolmasters were generously permitted to obtain the express license of the local Protestant bishop to open schools. In fact it was illegal until 1829 to teach without a license from the local Anglican bishop. Up to 1782 this bishop could not give such a license without having first obtained the oath of abjuration. We face a serious anomaly here. If the penal code prohibiting the education of Catholic children was rigidly enforced, how does it follow that so many Catholic boys were able to enter the Continental colleges and not only proceed with their studies in the classics, in philosophy, and in theology, but even win renown for themselves as scholars? How does it happen that all through the seventeenth and eighteenth centuries the English Colonies in America were filled with Irish schoolmasters, many of them undoubtedly of the Catholic Faith?

> In many of the shipping lists containing the names, occupations and places of nativity of the *redemptioners*, who came to the colony during the eighteenth century, frequent references to Irish schoolmasters are found. Evidence is abundant from authentic records of the enlightened character and competency of the Irish teachers, and that so many of them are to be found in America is a significant factor in the emigration from Ireland during the Colonial period.[22]

Protestant schoolmasters had to throw up their professions. He is speaking of the Diocese of Ossory, and he admits that there were not enough Protestant children to fill even a few schools there (*Castlereagh Correspondence*, vol. II, p. 286).

[22]American historians have uniformly been silent, and some, like George Bancroft, have suppressed the truth on the extent and the strength of American sympathy in Ireland. Major General John Sullivan and his patriots seized the guns and ammunition at Fort William and Mary in September, 1774, and Captain Jeremiah O'Brien fought the first naval battle of the American Revolution off Machias, Maine, on June 12, 1775. The Dublin press rang with joy over the success of these Irishmen, and the Irish House of Commons in October, 1775, did not disguise its satisfaction over the success of the Americans. Lecky admits that Ireland was committed to the American struggle (*History of Ireland in the Eighteenth Century*, vol. II, p. 160). In spite of Bancroft's evident juggling with the truth, it is certain that Ireland did not send against the rebels across the seas "her best troops and her ablest men". "There were great numbers of people in Ireland", Lecky writes, "who regarded the American cause as their own." America was well stocked at that time with emigrant families from Ireland. The amazing thing is that, out of three hundred and seventy members of the Irish Parliament of 1775, only forty-four were Irish, and yet, as O'Brien has written, "that little handful of Irishmen . . . . stood by their own people and on many occasions expressed their unalterable sympathies with the American colonists." The analogy between

Beginning about 1774 the records relating to private and public schools kept by these Irish schoolmasters in America betray a decided falling off in the number of such emigrants; and it is an historic fact that these scholars played a more important part in preparing Young America for the Revolution than is generally known.

Organized Catholic elementary education was practically in its infancy in Ireland at the time of John England's birth. The biographer of Nano Nagle, the pioneer founder of Catholic primary schools in Cork, has given us evidence from authentic sources which present a deplorable state of affairs among the Catholic poor of the city before the Acts of 1782-1793.[23] Between the years 1750 and 1769, Miss Nagle founded two schools for boys and five schools for girls in the city. In order to place her work upon a permanent basis, she resolved to establish a religious community for the education of the Catholic poor. Father Moylan, later the Bishop of Cork (1787-1815), directed her in this design. Four ladies closely connected with the leading families of the country entered the Ursuline Convent of St. Jacques, Paris, to be trained. Miss Fitzsimmons entered the Convent of St. Jacques on November 19, 1767, and received the religious habit soon after. Miss Coppinger and Miss Nagle (a cousin of Nano Nagle) entered on September 5, 1769; and Miss Kavanagh on September 4, 1770; and these three received the religious habit on February 10, 1771. They

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America and Ireland was too close to be ignored; and Grattan summed up the situation in a striking phrase when he declared that America "was the only hope of Ireland and the only refuge of the liberties of mankind." O'Brien's stirring pages in his *Hidden Phase of American History* have brought to light a considerable mass of documentary evidence on the intimate relationship between the rebellion in America and the condition of affairs among the persecuted Irish at home. English historians, wherever impartial, interpret in the light of this sympathy, the concessions to liberty granted to Ireland between 1774 and 1793. The first tangible concession was given in 1778, when Catholics were permitted to take leases for 999 years on land, and to inherit freeholds. John Paul Jones was in the English Channel in those days and was carrying off prizes from English waters; and it was then felt by Lord North and his associates to be high time to do something to conciliate Catholic loyalty. Cf. O'Brien, *Early Irish Schoolmasters in New England*, article in the *Catholic Historical Review*, vol. III, pp. 52-71. O'Brien has listed hundreds of names in this exhaustive study.

[23]Hutch, *Nano Nagle: her Life, her Labours, and their Fruits*, pp. 15-20, 27-35. Dublin, 1875; cf. MacCaffrey, *History of the Catholic Church in the Nineteenth Century*, vol. I, pp. 98 ss. Dublin, 1910.

deferred their profession until they should be established in their new convent in Cork. Father Moylan went to Paris in 1771 to escort to Cork the first Ursuline foundation. A serious difficulty occurred. A professed Religious was necessary for the new foundation. No one of the St. Jacques Community would undertake the responsibility. But acting on a suggestion received, Father Moylan, on his return journey, called at the Ursuline Convent at Dieppe, and Sister Margaret Kelly, a professed religious of Irish birth, gladly volunteered to return to Ireland and establish a foundation in Cork. On their arrival in Cork the Sisters were first lodged in a temporary home in Douglas Street, and moved into their Convent, in the same street, on September 18, 1771.

The Ursulines were the sole female community in Cork until 1775. Nano Nagle wished for an institute whose primary purpose would be the instruction of the poor. She founded a new Community in 1775; she took vows in the new Institute on June 24, 1777, in the presence of Bishop John Butler, of Cork, and was appointed its first superior. On Christmas Day, 1777, the Convent was opened in what had been the first temporary residence of the Ursulines. This was the origin of the Presentation Institute, but the Religious were called, at first, the Sisters of the Sacred Heart. When the Ursulines removed to Blackrock in 1825, these Presentation Sisters moved into their Convent in Douglas Street; and this, the South Presentation Convent, Cork, is the Motherhouse of the Presentation Order.

No objection was taken to the work of the Nuns in educating the young. But they dared not appear as Religious. The *Annals* of the South Presentation Convent, Cork, record that

> for eight years after their arrival in Ireland they [the Ursulines] did not venture to exchange their French caps and black gowns for the veil and habit of their Order. Days of ceremonies only, such as days of Reception and Profession, were exceptions to this rule; but even this privilege was not obtained without difficulty or enjoyed without restraint.... They began to wear the habit permanently 11th November 1779. Mother Nagle expostulated with them on their rashness. They replied—half joke, half earnest—"that the weather was exceedingly cold; and consequently to take off a warm dress would be more imprudent than to wear it." She desisted

from further argument, only observing drily: "Dr. Moylan will be in town shortly." His presence, she expected, would soften the atmosphere and remove their fears of taking cold.... Contrary to her expectations the Bishop (then of Kerry) did not forbid it (the religious dress). But he recommended the nuns to consider seriously the steps they were taking, on what dangerous ground they were treading, and the imprudence of risking the persecution of their infant establishment.

Similarly, in the new Presentation Community, during Mother Nagle's lifetime and for sixteen years after her death, the religious habit was worn only on festival days. The *Annals* go on to say:

It happened on one of these happy days [in the Presentation house] on which the habit was usually worn that an unsuspicious Sister appeared in the parlour wearing her religious dress. Apparently no notice had been taken by her visitor of the alteration in her dress. The interview ended, the friends parted. He (the visitor) lost no time in representing to the penal public authorities the crime he had discovered; no less a one than a poor Religious had worn the coarse dress of her Order . . . . . Information was lodged. The presiding magistrate on the occasion was a peace-loving and sensible man, Mr. Carleton of Woodside, near Cork. He patiently listened .... when all was said they waited in silence to hear the expected judgment passed. But what must have been their disappointment and indignation when Mr. Carleton quietly said: "I have listened attentively, gentlemen, to all that has been said in condemnation of the Nuns and their uniform. I have heard all the arguments adduced for drawing upon them the severity of the law. Yet I must confess it seems to me unreasonable to meddle in so unimportant a matter as is that of the ugly costume in which these ladies choose to dress. And what evil can possibly be the result of a set of helpless, friendless women, assembling to say their beads, or to drink their cup of tea?" Thus the matter ended, and the Nuns were allowed to dress in whatever fashion pleased them best.

This occurred early in the year 1800. And the *Annals* record:

On the festival of All Saints, 1800, the Sisters of this Community (the South Convent) and of the North (Convent) put on the religious habit and veil, resolved to try the experiment of wearing it daily.

Everyone recognized that the education of the Catholic poor had been so badly thwarted by the penal code that many of the evils consequent upon ignorance were present in the civil life of Cork.

Nevertheless, the welcome these self-sacrificing ladies received from the Protestant Corporation of the city was not very cordial. In his *Francis Moylan, Bishop of Cork: His Life and Times*, Bishop Cohalan has cited a passage from a work by Dean Murphy of Cork, which reflects the spirit of the times:

> The No-Popery Corporation of the day which had hitherto looked on with indifference at the turbulence and outrages which are each day renewed within the city, became indignant at such a violation of the law. They resolved on ridding it at once of such a stain on its Protestantism and loyalty.... It is certain that some violent measure was in contemplation and would have been adopted but for the interference of one influential member of the name of Carleton. He restrained their intolerant and their anti-Catholic propensities by appealing to a principle more powerful with them than humanity or religion — their own pecuniary interests. It would be more beneficial for themselves, he said, and for the city, to have the means of these ladies and their pupils expended at home than force them by persecution to go and live elsewhere; and he good humouredly added that he saw no very imminent danger to the Protestant religion or the Protestant succession in the meeting of a few old ladies to take their tea and say their prayers together of an evening.[24]

After the establishment of the Presentation Order of Nuns, the Ursulines abandoned some of their schools in Cork.[25] The education of poor boys was very inadequately provided for; but a good start was made when a school was opened for them by the Brothers in Cork on November 9, 1811.[26]

It was during this period that John England's boyhood was spent, and as a result young England was obliged to attend one of the non-Catholic schools of the city. Apparently, England's

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[24]Article in the *Catholic Bulletin* (Dublin), vol. I (Dec., 1911), p. 628; cf. Rev. Dominic Murphy, *Sketches of Irish Nunneries.*

[25]The Ursulines who were invited in 1813 to come to New York by Father Kohlmann, S.J., then the administrator of that diocese, for the higher education of girls, were from Miss Nagle's foundation. They remained but two years and returned to Cork. Their rather unflattering estimate of the young ladies of New York City will be found in Hutch, *op. cit.*, p. 214. Cf. Guilday, *Life and Times of John Carroll, etc.*, p. 485. Father Thayer's place in Ursuline history is well known. The daughters of his host, Mr. James Ryan, of Limerick, came out to Boston, in 1817. It was their convent which the mob destroyed in 1834 (cf. Hutch, *op. cit.*, pp. 259-268). The Ursuline Foundation at Charleston, S. C., begun in December, 1834, was made by the Cork convent.

[26]Cohalan, *op. cit.*, pp. 629-630.

father, while among the better class of Catholics of the city at the time his eldest son was born, was unable to furnish his children with private tutors, as was the custom generally, until they were of age to be smuggled across the Channel to one of the Irish Colleges on the Continent.

The French Revolution closed that avenue of escape from the ignorance consecrated by the penal code. And so, unlike his great contemporaries — "J.K.L." (Dr. Doyle, Bishop of Kildare and Leighlin), his own bishops, Dr. Moylan and his successor, Dr. Murphy, of Cork, Dr. Coppinger, Bishop of Cloyne, and the two celebrated Franciscans of Cork, Fathers Lawrence Callanan and Arthur O'Leary—John England did not have the advantage of a Continental education. In spite of this difference, however, no two ecclesiastics of the day gave evidence of a more cultivated mind than did Bishop Doyle and Bishop England, the one in Ireland and the other in America. James Warren Doyle was born in the same month as John England (September, 1786), was ordained to the priesthood about the same time, was England's colleague on the staff of Carlow College, and was nominated to Kildare and Leighlin the same year in which England was chosen for Charleston. England outlived Doyle by eight years. The literary work of the two bishops ran to a large extent side by side. Doyle had the penal laws in their actual machine-like depression to combat in Ireland, and England had to struggle against the prejudice and bigotry bequeathed to America by two centuries of the No-Popery spirit created by the same iniquitous code. The encomiums passed upon the two leaders are strangely alike. There is a clearness of style, a fearlessness, a skilful and accurate handling of facts, and an immense range of knowledge common to both men.[27]

There remains still to the Irish historian for settlement the problem of how stringently the laws extinguishing all elementary Catholic education were carried out during these two centuries of the penal code. That the great bulk of the people was Catholic, everyone knows, and that the Catholics were abandoned to neglect in this regard and left destitute of any provision for education at public expense is equally true; they were the prey of an educa-

[27]Fitzpatrick, *The Life, Times and Correspondence of the Right Rev. Dr. Doyle, Bishop of Kildare and Leighlin.* Dublin, 1880.

tional system which up to the Act of 1782 was "an affair of public mischief or of private emolument — an engine either of proselytism or of peculation."[28]

Where the preparation for secondary and higher education was secured before 1782 is still a vague question in the history of Irish learning. The traditional answer to that question, as we have seen, has generally been given as the hedge schools. Lecky would have us believe that after the first quarter of the eighteenth century, the Catholics were practically unmolested both in their religious worship and in their home training, and that many of the penal laws were passed solely as political expedients for times of special stress, either when foreign invasion was imminent or when Jacobite plots were suspected. "Long before the laws were repealed", he asserts, "they were a dead letter."[29] In the second quarter of the century, he holds, the "fierce and savage intolerance" and the "intense desire to crush the Catholic population to the dust" had almost disappeared and "constant infractions of the penal code were permitted with general connivance."[30] There is evidence for the presence of regularly equipped (though illegal) Catholic schools before 1782, and this would seem to lessen the weight of tradition in favor of the solitariness of the hedge schools; and it is a debatable question whether the Catholic boy, doomed to ignorance by the written laws of the land, had only the hedge schools to attend. Lecky accepts the hedge school as the general custom and proclaims it one of the most honorable features of Irish history. And Justin McCarthy writes of them with his usual warmth for all the nobler things of Irish life:

> On the highway and on the hillside, in ditches and behind hedges, in the precarious shelter of the ruined walls of some ancient abbey, or under the roof of a peasant's cabin, the priests set up schools, and taught the children of their race. With death as the penalty of their daring, a penalty too often paid, they gave to the people of their persecuted Faith that precious mental food which triumphantly thwarted the efforts of the Government to brutalize and degrade the Irish Catholics off the face of the earth. In these "hedge-schools" as they

[28]Scully, *op. cit.*, pp. 267-268.
[29]Lecky, *Leaders of Public Opinion in Ireland*, vol. I, pp. 11-12. New York, 1903.
[30]*Ibid.*, vol. II, p. 202.

were called in scorn, the principles of religion, of morality, and patriotism were kept alive and those elements of education which are the very life-blood of national existence, freely dispensed. Eagerly as it was given, it was no less eagerly sought for. The readiness of the priests to teach was only equalled by the readiness of the people to be taught. The proudest place of honor in Irish history belongs to these hedge-schools and their heretic teachers. But for them the national cause and the national existence would have withered away under the blighting curse of the penal laws. From these hedge-schools came some of the brightest ornaments of modern Irish history.[31]

It is in the light of this short sketch of primary education in Ireland that the following paragraph from Read's short *Memoir* of Bishop England (the fullest biographical sketch we possess) is to be judged:

In the cruel circumstances of his afflicted country, it was necessary at one period of his boyhood, to elect between want of education, and his subjection to a teacher in whose school he was the only Catholic, and was accustomed to wreak his malice on "the little Papist," by which reproachful epithet he delighted to expose his victim to the contempt and odium of his youthful associates; and so deep was the impression of his cruelty and injustice on the heart of the pupil, that when, many years afterwards, they accidentally met at the door of a church, as the latter was entering to celebrate Mass, he found himself compelled to pause, for a considerable space, in an agony of prayer, before he could sufficiently subdue the emotions of horror and resentment excited by the sudden apparition of the tyrant of his childhood, to venture to approach the tremendous Mysteries.[32]

How far this is exact would be hard to say now. Read's statement came apparently from Bishop England, and it is not difficult to understand why John England's father, a fugitive schoolmaster himself at seventeen, placed his son in one of the non-Catholic schools of Cork. It is uncertain how long the young scholar re-

[31] Cited by Cardinal Moran, *The Priests and People in Ireland in the Nineteenth Century*, p. 9. Melbourne, 1886. Cf. Corcoran, *op. cit.*, pp. 13, 119.

[32] *Works* (Reynolds), vol. I, p. 5. A sketch of Bishop England's life, to be found as Appendix IV (pp. 510-515) of Hutch, *Nano Nagle*, corroborates this: "Young England pursued his early studies at a Protestant school in his native city; he was subjected to many galling insults on account of his faith, not only by his companions, but even by his master, whose bigotry got the better of his charity and of his sense of public duty."

mained in this Protestant school, but the surmise is that he entered at the age of six and left at the age of fourteen.

What studies John England followed in this school cannot be stated with accuracy. "The citations of the Cork poor schools, 1796-1815, afford," writes Father Corcoran,

> excellent illustrations of the system of classification of scholars in the primary schools at the time, each class being entirely concerned with one subject or one division of a subject. Writing came along after Reading had been entered on; and Arithmetic came later still, being reached only by the persevering few.

The Report of the Commissioners of Irish Education in 1791 might have had an ameliorating and elevating effect on primary education in Ireland; but it was not printed until 1856. Later the adoption of Lancaster's Plan (1806), while economic and mechanical, brought about a material, spiritual and moral reorganization of the schools. The Lancaster system was replaced later by a better one, that of the Brothers. But young England was in Carlow College by that time (1806), and whatever he acquired could hardly have been much beyond the elements of learning.[33] His father must not be left out of account in this part of his training, and no doubt a happy combination of school work and home study gave him the necessary foundation for his higher studies.

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[33] "Private schools for boys whose parents were able to pay for the education of their children were numerous in the city, but, for the most part, they were conducted by non-Catholics, many of whom were scholarly men. Most of the middle class Catholic as well as the Protestant boys attended these schools. John England, subsequently the famous Bishop of Charleston, U. S. A., chanced to be the only Catholic pupil in one such school in the city, and he was so ill-treated by his school-fellows and insulted by the master that he was obliged to leave. This, however, must have been an exceptional case for we know that Brother Duggan, who was received into the Community of Christian Brothers in 1826 (born in Cork, April 14, 1800, died January 14, 1882), had as his master Mr. McIntosh, a Presbyterian. Presbyterians, being somewhat under a ban themselves, might have been more friendly to Catholics than Episcopalians. Or it might be that England's master and fellow-students knew that his grandfather had been in prison. Brother Duggan preserved to the end of his life kindly remembrances of his teacher and grateful feelings for his services to him. William Delaney who became in time the Catholic Bishop of Cork (1847-86) was one of Brother Duggan's companions in this school" (*A Century of Catholic Education: Brother Burke and his Associates.* By a Christian Brother. Dublin, 1916). Considering the circumstances of the time there could not have been many lay Catholics qualified to teach the classics: probably only what were called "spoiled-priests"—men who read a part of the course for the priesthood and then turned *ad vota saecularia.* Protestants had every facility and opportunity in Trinity College and the schools that prepared for it.

CHAPTER II.

Seminary Days at Carlow
(1802-1808)

Among the disabilities removed by the Catholic Relief Bill of 1793 was that barring Catholics from the professions. The advantages gained in this respect were very real. Catholics were henceforth allowed to practice as "Counsellor, Barrister, Attorney, Solicitor, Clerk or Notary." Up to the passing of this Act, Catholics were sparsely represented in the professional classes. There were some Irish Catholic physicians and we find them in the United States before the end of the eighteenth century. A typical example was Dr. O'Driscoll, who led the schismatics in Charleston against the authority of the Archbishop of Baltimore, and for a time against that of Bishop England. Catholics who entered the professions were mostly educated in Edinburgh, Paris, Leyden, Rheims, and other foreign universities, and they suffered in some cases the loss of their faith.[1] The legal profession—but not its honors or offices of trust—was also open to Catholic young men, and we can easily understand that when John England at an early age made his decision to take up the study of law, his best method was to enter as apprentice or learner with one of the barristers of the city. During two years, as is commonly believed, John England was assiduous in the study of law.

> No preparation could have been better for his subsequent career; and to his elementary training he was doubtless indebted for that practical intuition, with which, in after years, he discovered the legal difficulties which often surrounded his position, and apprehended, or himself suggested, the appropriate remedy. The comprehensive wisdom, too, of legal principles, and the precise and subtle logic that regulates their application to human affairs, could not but have exerted a most beneficial influence on the conduct of his understanding, and the formation of those overwhelming argumental powers that rendered him so eminent as a controversial writer and speaker.[2]

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[1]Cf. Ward, *Dawn of the Catholic Revival in England*, vol. II, p. 312. London, 1909.

[2]England's *Works* (Reynolds), vol. 1, p. 5.

In 1802, John England decided to abandon the study of law and to begin his studies for the priesthood. He is said to have been prepared for St. Patrick's College, Carlow, by the Dean of Cork. The choice of a seminary for his studies in philosophy and theology was a serious one at the time.

For two hundred years and more, before the passing of the Act of 1793, students for the priesthood in Ireland, whether secular or regular, had been forced by the penal code to go abroad for their education. The history of the Irish priesthood during this period can be divided into two parts. The earlier of these extends from Elizabeth's reign down to the French Revolution. During that time a chain of Irish colleges and seminaries was made in Spain, Portugal, France, Italy and in the Catholic Low Countries. Irish colleges of international renown existed at Lisbon, Salamanca, Seville, Madrid, Alcalá; at Louvain and Antwerp; in Paris, Douai, Bordeaux, Lille, Nantes, Toulouse, Poitiers, Pont-à-Mousson; and in Rome. Preëminent among these centres of learning were the Colleges of Rome, Paris, Louvain, and Salamanca.

> The priests trained in these colleges for the mission in Ireland received an excellent education, and, as the history of the period shows, were in every way fitted for the difficult work that fell to their lot. As scholars, as gentlemen, and as clerics, they could challenge comparison with the clergy of any other nation, and though their training made them, perhaps, a little too timid about taking part in public affairs, yet it is doubtful if in the circumstances of the period a bolder policy might not have involved more serious dangers.[3]

The Act of 1793 would doubtless, with its toleration in the matter of education, have eventually brought many of the institutions abroad back to Ireland; even had the French Revolution with its consequent sequestration and confiscation of the colleges and seminaries not occurred. Every Irish College on the Continent was a stronghold for Ireland, where Irish love for letters and science, and Irish patriotism were kept burning on the altar of exile.[4] It was, however, humanly speaking, a providential coincidence that the Act of Toleration of 1793 came at the very time

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[3]MacCaffrey, *History of the Catholic Church in the Nineteenth Century*, vol. II, pp. 254. Dublin, 1910.

[4]Treacy, *Irish Scholars of the Penal Times*, p. 16. New York, 1889.

when the English and Irish foundations in France and in Flanders were being driven homewards by the Revolution. The exile was indeed over in 1793, and the Irish *diaspora* was free to return to its ancient home after two centuries of harassing disabilities, civil, religious and educational.[5] The new freedom meant the rebuilding of the House of God in Ireland; but in reality the reconstruction had to begin without the support of the Irish groups on the Continent. Nevertheless, that which seemed a greater calamity to the Irish Church at the time turned out to be a blessing; for, as Ward has written in the case of the English Catholic establishments, it is doubtful whether anything short of political necessity would have supplied the requisite stimulus to induce them to break up these foreign homes of learning. Among the English the love for these old seats of scholarship amounted to a passionate devotion, and the Continental college system was considered almost an ideal one, because it freed the students from the distractions of the homeland.[6]

Consequently, when the Act of 1793 was successfully passed, the Irish hierarchy was not forgetful of ecclesiastical training in the general scheme of re-establishing national education in Ireland. This plan consisted in the establishment of four spacious colleges, one in each province of the land, for the higher education of priests and laymen. The spirit with which this undertaking was received by the people was unprecedented. Brenan writes in his *Ecclesiastical History of Ireland*, that

> cities and towns, as well as individuals, entered into a noble rivalry on this patriotic occasion; the literary glories that once settled round the halls of Bangor, appeared at length to visit the land, and an enthusiasm, as boundless as it was honorable to the national character, seemed almost instantaneously to pervade the great mass of the Catholic population of Ireland. If the numerical strength, increasing opulence, patriotism, and religious zeal of the Irish Catholics be admitted as data, it must inevitably follow, that the system of education already contemplated, would be a work of difficulty. Had the feeling

[5]The best account of the Irish Colleges and Seminaries abroad will be found in the *Irish Ecclesiastical Record*, by Rev. Reginald Walsh, O.P. (1906-1910). The scholarly introduction to Archbishop Healy's *Centenary History of Maynooth College* (pp. 1-86) also contains a graphic sketch of these famous institutions.

[6]Ward, *Dawn etc.*, vol. II, pp. 69-70.

displayed at this eventful period been allowed to operate, they would have reared up literary foundations that might well compete with the first and most learned establishments in Christendom.[7]

The first to take advantage of the new situation was Bishop Keeffe, of Kildare and Leighlin, who opened, with the permission of the local Protestant bishop, the Catholic College of St. Patrick at Carlow. The story of the foundation of Carlow College is found in Bishop Delany's memorial to the Government in 1801:

> No sooner had the repeal of the Penal Statutes taken place [he writes], that before opposed an insuperable bar to the erection of Papist schools in this kingdom, than Dr. Keeffe, late R.C. Bishop of Kildare-Leighlin, in conjunction with the actual incumbent, instantaneously availed themselves of the auspicious moment, and with eager zeal, vigorously set about at once commencing this foundation — slender means, humanly speaking, as they could boast at the time, and untoward as the circumstances in which they then stood for the accomplishment of so very arduous a measure, pronounced, it must be owned, by all persons at the first outset, as an enterprise perfectly quixotic on their parts — the united incomes of the two founders, both in the capacity of prelates and parish priests, not exceeding, it is here conscientiously averred, the sum of one hundred guineas a year at that period — nevertheless, by degrees and generously aided by the great liberality of the clergy and R.C. Laity of the diocese of Kildare-Leighlin (to the precise limits of which the contributors have ever, from the first beginning to this day, been, save in one solitary instance, exclusively confined) they at length happily completed their design, and by means of subscriptions universally entered into everywhere throughout the local district of from a British sixpence and a shilling each (pardon this wretched impertinent deal) up to a guinea and more, individually, in a few instances, in each parish, combined with hat collections for brass also, in every chapel, did they finally execute the work—a large handsome edifice, nearly 120 feet long, 26 wide in the central part, 30 feet deep in each end or wing, consisting of four stories above the surface.[8]

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[7] Pp. 567-568. Dublin, 1864 (Second Edition).

[8] *Memoirs and Correspondence of Viscount Castlereagh*, vol. IV, pp. 143 ss: London, 1850. Cf. Ryan, *History and Antiquities of the County of Carlow*, p. 313. Dublin, 1833; Lecky, *History etc.*, vol. III, p. 360; Comerford, *Collections relating to the Diocese of Kildare and Leighlin*, 3 vols. Dublin, 1884.

To the founder of St. Patrick's College, Carlow, Bishop Keeffe of the Diocese of Kildare-Leighlin, and to the parish priest of Carlow at the time, Dean Staunton, must ever be given the honor of having erected the first ecclesiastical college in Ireland after the relaxation of the penal laws. Dr. Healy has thus described the founding of Carlow in his *Maynooth College: its Centenary History*:

> No sooner were Catholics allowed by Gardiner's Relief Bill of 1782 to open schools and educate their children at home, than Dr. Keeffe, Bishop of Kildare and Leighlin, at once resolved to found a College for the education of the clergy needed for his diocese. At the time it was a bold resolution. He was a very old man living in Tullow, without visible resources or powerful friends to support him with their wealth and influence in the execution of his project. But the old man of eighty-eight had a young heart full of courage and high hope in God. "Though closely approaching his ninetieth year, and nearly blind, he left his home in Tullow, where he could not get a suitable site, and took up his residence in a mean apartment in Carlow in order that he might superintend the building of the new College in person. The efforts of the noble old man were so ably seconded by Dean Staunton, P.P. of Carlow, as well as by the generous offerings of the clergy and laity of the diocese, that a spacious and commodious building was completed within a few years." The Bishop himself died in 1787 before it was quite finished, but he had the satisfaction of seeing a splendid site secured and the work far advanced, before he was called to his reward. We know of no more inspiring example of heroic zeal and devotion than that noble work, not only attempted but successfully accomplished by Dr. Luke Keeffe, when he was trembling on the brink of the grave. Such an achievement is worthy of being held in eternal remembrance. Carlow College was formally opened for students on the 20th October, 1793, when eight students presented themselves, who, it appears, afterwards all became priests. They were the first matriculated students for two hundred and forty-five years in any college in Ireland tolerated by British law, and teaching the supremacy of the Pope. As in Maynooth College a few years later, so also in Carlow, there were amongst its earliest professors three French priests, refugees of the Revolution, who gave valuable assistance in organizing the new college. From that day to this Carlow has flourished, every year aug-

menting its literary fame, and extending its sphere of usefulness.[9]

In Bishop Delany's memorial among the Castlereagh papers (1801) we find that at that period the college was a "poor, unprotected, alas, and now utterly forlorn institution". So laments the much-harassed bishop, who was appealing to Government for a grant similar to that given to Maynooth.

> It is true [he says in his curious English], that it is not actually quite extinct, yet does it in good earnest lie gasping, unless promptly succored, on the very point of inevitable desolution. Tender, therefore, as a parent must be naturally supposed to feel for an expiring child (to waive considerations here of a still higher nature), shall the person to whom this luckless establishment, deserving solely of a better fate, chiefly owes its birth, fondly hope to obtain forgiveness in presuming to approach, on this occasion, his Majesty's ministers with a humble and earnest application to look on it with an eye of pity, and lend their all-powerful support to prolong its existence.[10]

His Majesty's ministers felt that the Government had quite fulfilled its obligations, however, in the grant to Maynooth. Brenan sees in the Government grant, paltry as it was, to the foundation of St. Patrick's College, Maynooth, in 1795, the death of the original plan for the four provincial ecclesiastical seminaries in Ireland. It was not clear whether St. Patrick's College, Carlow, which had begun two years before Maynooth, in 1793, was part of this original scheme. Carlow is a central place in the Province of Leinster, but nothing was found in the meager details of its college foundation indicative of the plan. No relief was forthcoming for Carlow and, owing to the paucity of documents

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[9] Pp. 97-98. Cf. Comerford, *Collections etc.*, vol. I, p. 168.

[10] *Castlereagh Correspondence*, vol. IV, p. 152. That Bishop Delany considered Carlow as equally deserving of a Government grant is evident from his memorandum. He speaks of Maynooth as Carlow's "younger but highly favoured sister", and he laments the fact that the help given to Maynooth had made that College so popular that Carlow was being deserted. There were six chairs at Carlow at the time—Theology, Philosophy, Belles-Lettres, Classics (2) and Rhetoric. The three French refugee priests (Noget, Chabout, and Labruné) were receiving but fifteen guineas a year, and the President was obliged to act as parish priest at Carlow, in order to eke out a living. Bishop Delany was willing to make Carlow an auxiliary to Maynooth, if adequate Governmental assistance were given—"a powerful *succedaneum* to the establishment of Maynooth", he writes (*Ibid.*, p. 156).

in the college archives, there is no means of telling how the crisis was bridged. The original building still stands, the central part of a magnificent institution. It has a remarkably beautiful situation and large grounds in the city of Carlow, and its place in the history of clerical training, while always second in importance to Maynooth, is one of which Ireland may well be proud. Its alumni have gone to every corner of the globe to dedicate their priestly lives to the Church in distant dioceses, and the number of its priests who have been raised to the episcopate in the British dominions and in the United States is already a large one. Of these episcopal alumni John England was the first.

In 1802, when John England entered Carlow College to begin his studies preparatory to the priesthood, the institution was in a better condition. Read says, and no doubt he was informed by Bishop England himself, that it was "at his own request and with the approbation of his Bishop Dr. Moylan, that he was placed by his friends in the Theological College of Carlow."[11] Dr. Moylan was one of the original trustees of Maynooth College, a close friend of Archbishop Troy, and at the time of John England's choice of Carlow was favorably inclined to the Veto. He had been an advocate of the Union in 1800. In the absence of a college register, we can only surmise that England entered Carlow College for some personal reasons. It is too much to suppose that a boy of sixteen, even gifted as England was, could have gone to Carlow in preference to the Royal College of Maynooth on account of the Veto Question. In fact, what is known as the Veto Question did not assume reality until 1808, although the action of the Maynooth Trustees in 1799, regarding the Government's proposition to control elections to Irish Sees was known and discussed generally. His choice, however, may have been influenced by friends who were opposed to Maynooth loyalism. And, as we shall see later, the prominence this attitude gave him among the clergy of Ireland had a considerable influence in shaping his priestly career.

Among the first professors at Carlow were refugee French priests, the Abbés Noget, Chabout and Labruné. Beyond their names no tradition exists to tell us about these early teachers at

[11] *Memoir* in *Works* (Reynolds), vol. I, p. 5.

the college.[12] The first refugee priests arrived in England in the latter half of the year 1792. The significant part these learned and saintly men, thousands of whom had sought refuge in England before 1795, took in the amelioration of the prejudice against the Catholic Faith in England, is too well known to need repetition. The movement set on foot by the Marquis of Buckingham and others for the relief of these victims of the French Revolution is one of the noblest acts of charity in the religious history of England. The initial appeal to the English people to come to the aid of these refugees was written by Edmund Burke, and in the course of a few weeks the subscriptions amounted to thirty-four thousand pounds. The Government offered them the use of the King's House, at Winchester, and there hundreds of these unfortunates were lodged. They set up a religious community with a regular rule. At the same time, the English, Irish, and Scottish Colleges on the Continent were fast breaking up, and professors and students were seeking refuge in the land from which they had been exiled for several centuries. There was, therefore, no dearth of teachers for such establishments as Carlow.

Under the presidency of such a skilled organizer as Dean Staunton, the College of Carlow undoubtedly opened with a staff of good professors, and it would be highly interesting to know what the influence of these three French teachers was upon the young men of John England's day. It would be equally interesting to know just what text books, if any, and what courses were followed in the college during his years there as a student (1802-1808). St. Patrick's College, Carlow, unfortunately has not had a John Healy to describe its story, as the learned Archbishop of Tuam has done for St. Patrick's College, Maynooth. There remain but the barest traditions of Carlow's earliest days. But the fact that the two colleges were begun almost at the same time and were destined for the same purpose, with the same class of professors, would lead us to suppose that the course of studies was the same in both. Dr. Doyle, who taught at Carlow when John England was

[12]Their names are not found in Plasse, *Le Clergé Français refugié en Angleterre* (Paris, 1886), in Barruel, *History of the Clergy during the French Revolution* (Dublin, 1794), or in Sicard. These three names are given by Brenan, *Ecclesiastical History of Ireland*, p. 567.

professor there, tells us that "the tracts in use at Carlow and Maynooth, are, for the most part, the works of Continental divines."[13]

During the first period of its existence (1795-1820), the character of the theological training at Maynooth is said to have been tinctured with a diluted form of Jansenism and with a subdued sort of Gallicanism, in dogmatic and moral teaching. The course of studies included two years devoted to philosophy and three years given mainly to dogmatic and moral theology. Canon law came at a later period. Sacred Scripture had no regular professor in the beginning, but Hebrew was taught. Ecclesiastical history was somewhat neglected, being taught only in connection with the classes in dogmatic theology. There were no regular text books at the beginning — it was before the era of these aids to clerical training. In philosophy, also, few text books existed, the professors making their own treatises. The *bête noire* of the day in philosophy was John Locke. Rhetoric and sacred eloquence were taught. Cicero, Horace, and Quintilian were followed, and Longinus *On the Sublime* was expounded from the original Greek.

The supposition is made here, based upon the traditions which still live in Carlow, that Maynooth influenced the former college in the matter of text books and studies. This surmise is supported by the fact that Dr. Doyle used Delahogue in his first and famous interview with the class in dogmatic theology at Carlow in 1813. Healy has hardly done justice to this famous teacher of the Irish clergy, and it is an interesting fact that the fullest biography of this "most distinguished Ecclesiastic of the second order in Europe" must be sought, not in Dublin periodicals at the time of his death, but in far-off Charleston, where Dr. England published a worthy tribute in the *Catholic Miscellany* (August 11, 1827).[14] Dr. Louis Delahogue exercised a sway over the Irish Church seldom enjoyed by a cleric since Maynooth was founded. He was born in Paris, on January 16, 1740. After a brilliant course in the classics, he entered the Seminary at Lens and so rapid was his progress that he gained the Doctorate in Divinity, although too young at the time to be ordained. After ordination, he became a Fellow of the Sorbonne, and for twenty-eight years taught Sacred Scripture in

[13]Fitzpatrick, *Life etc.*, vol. I, p. 30.
[14]Vol. VII, pp. 42-43.

the University of Paris. He was still in the city when the massacre of the clergy occurred in September, 1792, and was among those who escaped to England during those ruthless days. For six years he remained in London, and held important posts on the relief committee for the refugee French clergy in England. In the Spring of 1798, he was elected by the Trustees of Maynooth to fill the Chair of Dogmatic Theology. To spare the students the tedious work of transcribing his notes, he wrote a series of treatises which were welcomed in the Catholic seminaries in France, Italy, England, and America. These treatises were handed about for a decade before their actual publication in 1808, and were used in the same way by other teachers as were similar manuscripts in the Middle Ages. Dr. Delahogue's long experience as a teacher was of such a singular kind that he may well be called the theological guide to rising establishments such as Carlow and Maynooth. The writer in the *Miscellany* says that "the justice of Ireland has already inscribed his name on the brightest catalogue of her Doctors and Saints." Against his fame it is said that he lacked sympathy with Irish national aspirations, never silent even in the Royal College of Maynooth. His own tendency in moral theology is said to have been rigoristic and in general he is thought to have been Gallican; but the testimony has been adduced that he allowed complete freedom to his students, especially during the intense period of the Veto Question when the problem of the Irish Concordat reawakened discussion on the temporal power of the Papacy.

Among the other authors used at Carlow were Antoine's *Theologia speculativa et dogmatica,* published at Pont-à-Mousson, in 1723, and Bailly's *Theologia dogmatica et moralis,* published at Lyons, in 1789.[15]

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[15]In 1897, Dean Neville, then the Rector of the University College of Dublin, published in the *Dublin Review* (Oct., 1897, pp. 449-464) an article entitled *Theology Past and Present at Maynooth,* in which he claimed that the Gallicanism of the Sorbonne had been carefully cultivated at Maynooth for nearly half a century; that the text books in use (particularly those of Delahogue) were the faithful expression of this teaching, and that as a result the Irish Clergy became Gallicanized "to the core". Delahogue, in Neville's opinion, was the worst offender. It was, to use Neville's phrase, "an alien theology, possessing for us neither national nor other interest, thus balefully affecting the youth and the manhood of the Irish Church, narrowing their views, misdirecting their professional studies, and, if not tentatively estranging their feelings of allegiance, at least sensibly weakening them towards the true

Of John England's years at Carlow there is but one tradition still living, that he was a hard student, fond of books, a good writer, and was to be found in all his leisure hours in the little library of the college. We are told that

> his piety, virtues and abilities commended him to the confidence, love and admiration of his superiors and fellow-students; and, as every reminiscence of such a man is precious, it may not be amiss to state the grateful recollections he retained to the last of what he esteemed the judicious method of his spiritual guardians there; whose aim he represented to have been to form their pupils to habits of independent devotion, so that, when they should emerge from the security of the cloister to the exposure of the world, their piety might not fail, for want of those accustomed helps.

William Read, from whom we are quoting, gives us a curious glimpse into those seminary days:

> Even at this early stage of his usefulness [he writes], he seems to have evinced that practical turn for which he was subsequently so distinguished; and to have left at Carlow and its vicinity, enduring monuments of his untiring zeal and active benevolence, in an asylum for unprotected females and schools for the free and correct education of poor boys.[16]

No trace, however, of these institutions was found in or about Carlow, so they may have been but temporary projects. It is traditional also that the ecclesiastical authorities of the Diocese of Kildare and Leighlin held young England in such high esteem that he was appointed lecturer in the Cathedral during a Lenten season and a member of the College staff.

At the completion of his theological course in Carlow, he was ordained deacon, and then returned to Cork to await ordination to

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object of Catholic Loyalty." The "soul-destroying tendency of the Jansenistic rigourism" found its way into Maynooth, says Neville, by means of such teachers as Bailly and Collet, which were the prevailing class books. Archbishop Walsh, of Dublin, when Vice Rector of Maynooth, answered these charges (*Dublin Review*, Jan., 1900, pp. 210-253), asserting that Delahogue who became Professor of Moral Theology in 1801, far from expounding Gallican theories on the temporal power of the papacy, allowed full freedom of opinion to the students of his class, merely giving references to the leading authorities on the subject. For a synopsis of Delahogue's works, cf. Hurter, *Nomenclator*, vol. III, pp. 758-759; Healy, *op. cit.*, pp. 192-195, 283-284; O'Conor, *Columbanus etc.*, No. VI, p. 66 (Dublin, 1813); Healy, *Maynooth College etc.*, pp. 118-119; Fitzpatrick, *Life of Dr. Doyle etc.*, vol. I, p. 49.

[16] *Works* (Reynolds), vol. 1, p. 5.

the priesthood. By a special dispensation, Pius VII permitted him to be ordained although he had but completed his twenty-second year. The ceremony took place in St. Mary's Cathedral, Cork, or the North Chapel, as it was then called, on October 11, 1808, and he received the order of the priesthood at the hands of his venerable bishop, Dr. Moylan.[17]

Francis Moylan's episcopate (1775-1815) is synchronous with a period, civil and ecclesiastical, which has few equals in Irish history. During these years Ireland was to pass through the horrors of war and famine, and the people of the southern cities of the island lived in a constant state of panic, through fear of a French invasion. The political agitations of the time were augmented by the movement which we call, for want of a better name, the Irish Concordat. Bishop Moylan, moreover, had begun his episcopal duties in Cork at the time of an almost unbelievable scandal in Church affairs — Bishop John Butler's resignation of that See and subsequent marriage, after his public apostacy in a Protestant church at Clonmel.[18]

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[17] *Annals* of the North Presentation Convent, *anno* 1808 (copied for the writer). Under date of October 26, 1923, the Most Rev. Daniel Cohalan, D.D., Bishop of Cork, informs the writer "that the North Chapel is the present Cathedral. Even to the present day, the people call it the 'North Chapel'. And *a fortiori*, at the date 1808, and for long afterwards, every Catholic place of worship was called Chapel: I remember myself a ceremony having been announced in the paper as having taken place in the *parish church*, Bantry, the Protestant parson wrote to the paper saying that there was only one parish 'Church' (*viz.*, the Protestant Church) in Bantry, and that no such ceremony, as the one reported, had taken place in it". The date of his ordination is given by Duffy in the *Catholic Encyclopedia* (vol. V, p. 470) as October 10, 1809. Shea gives the date as October 10, 1808. The correct date is supplied by the contemporary *Annals* of the North Presentation Convent, Cork, and is corroborated by the *Diurnal*: "October 11 (1820) . . . . this day was the anniversary (12 years) of my ordination to the priesthood" (p. 4).

[18] "John Butler, twelfth Lord Dunboyne, was consecrated Catholic bishop of Cork in succession to Most Rev. Dr. Walsh, in June, 1763. The barony of Dunboyne was an old one, dating as far back as the reign of Henry VIII. On the death of his nephew, Bishop Butler succeeded to the title, and, although he was over seventy years of age, and had spent twenty-three years in the Episcopacy, he wished to marry in order that the direct line of succession might not be extinct. For this purpose he sought dispensation from Pope Pius VI, but the Pontiff rejected the application with natural disgust. The aged bishop then threw off the mask, taking the law into his own hands, espoused his cousin (a Protestant), Miss Butler, of Hilford, Co. Tipperary. Of course he could no longer pretend to be a Catholic bishop, and, therefore openly avowed his adhesion to the Protestant faith. That his change of religion was not the result of conscientious scruples is evidenced by the fact that he never could be prevailed upon to officiate in a Protestant Church, and

Francis Moylan was the younger brother of General Stephen Moylan, who was aide-de-camp of General Washington and who was appointed Commissary-General of the Continental Army by Act of Congress in June, 1776. Bishop Moylan was born in Cork on September 17, 1735, and was baptized Francis, the day of his birth being the Feast of the stigmata of that saint. The Moylans were a wealthy family, and the two boys, Francis and Stephen, were given every opportunity for higher education on the Continent. Francis was sent first to Paris, and then to the University of Montpellier for the completion of his humanities.

> At this time [writes Bishop Cohalan of Cork], he was intended by his father for a mercantile career, and his education in Paris and Montpellier was directed to preparing him for the life of a merchant. But he himself soon discovered that his vocation lay in another direction. He was very religious. He contemplated entering the famous monastery of La Grande Chartreuse, and becoming a Carthusian. But he was dissuaded from the project by his uncle, Father Doran, S.J. He resolved then to become a secular priest, and he went to the University of Toulouse to study for the priesthood, where he graduated as Doctor of Divinity. He was ordained priest in 1761, at the

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but rarely attended the Anglican service. The celebrated Father Arthur O'Leary, in a letter addressed to a London journal (June 5th, 1790), correcting a false statement which had been circulated concerning himself, thus alludes to the apostasy of Bishop Butler: 'I do not consider Bishop Butler as a model after whom I should copy. With his silver locks, and at an age when persons who have devoted themselves to the service of the altar in their early days, should, like the Emperor Charles V, rather think of their coffins than the nuptial couch, that prelate married a young woman. Whether the glowing love of truth or Hymen's torch induced him to change the Roman Pontifical for the Book of Common Prayer, and the psalms he and I often sang together for a bridal hymn, his own conscience is the most competent to determine; certainly, however, it is that if the charms of the fair sex can captivate an old bishop to such a degree as to induce him to renounce his Breviary, similar motives and the prospect of aggrandisement may induce a young ecclesiastic to change his cassock.' Lord Dunboyne had no issue of his unfortunate marriage, and died in 1800. Before death God's grace effected a change in the heart of the erring prelate, who, sending for the celebrated Augustinian, Father Gahan, was received back into the Catholic Church, and confessed his sins with every token of sincere repentance. In his person the title became extinct, but was revived by the House of Lords in 1860 in the person of Theobald Fitzwalter Butler. The widow of the ex-bishop, having contracted a second marriage with J. Hubert Moore, of Banagher, King's County, lived to the advanced age of ninety-six years, dying in August, 1860. Lord Dunboyne left most of his property to Maynooth College, where he founded burses, which have since borne his name." Hutch, *op. cit.*, pp. 52-58, note (taken *verbatim*, without credit, from Brady, *Episcopal Succession in England, Scotland and Ireland*, vol. II, pp. 95-96. Rome, 1876).

age of twenty-six. Immediately after his ordination he was appointed to a parish in Paris by Monseigneur de Beaumont, the Archbishop. But his conscience reproached him for remaining in Paris when the pressing needs of his native city called for his services. He returned home. He labored here as a priest in the city, in St. Finbarr's parish for fourteen years.[19]

While yet parish priest in Cork, in 1771, as the spiritual director of Miss Nagle, he assisted her in introducing into Cork the Ursuline Nuns. Dr. Moylan opposed Miss Nagle's project of founding the Presentation Order, since it looked like an act of hostility to the Ursulines. But the Ursulines were primarily engaged in teaching the children of the well-to-do class. Miss Nagle wanted a community for the poor children as well. When Miss Nagle started her convent of the Presentation, Dr. Moylan was very displeased. Afterwards, however, when he saw its necessity, he became its firm supporter and as Bishop of Cork secured approbation from Rome for the new community.

Four years later (1775), Dr. Moylan was consecrated Bishop of Kerry, and for the next twelve years ruled that diocese with great skill. After Butler's apostacy he was transferred to Cork.

When Dr. Moylan returned to Cork, his great soul was pierced with grief for the affliction of that Church. He saw as it were Lucifer fallen from Heaven, that one of the cedars of Libanus had been rooted up, and this appalling instance of human frailty filled him with that salutary fear which is the beginning of true wisdom. Though every heart rejoiced at his return and every tongue was eloquent in welcoming him at whose presence the sad night of depression and scandal was banished, he was ever, as was justly said, meek, mild, and modest, great in his humility and humble in his greatness, fair in principle but fairer in practice, fair in person but fairer in piety, fair from the hand of nature but much fairer from the gifts of grace and the bright halo of religion.[20]

Bishop Moylan had ruled the Diocese of Cork for some twenty years when John England, then a young deacon, came home to

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[19]Article cited above, *Catholic Bulletin*, vol. I, pp. 625-626.

[20]*Annals* of the South Presentation Convent (copied for the writer). We have followed these *Annals* rather than the biographical sketch of Bishop Moylan, to be found in Appendix I of Hutch, *Nano Nagle*, pp. 493-499.

Cork to await the canonical age for ordination to the priesthood.[21] Dr. Moylan was then the ablest bishop on the Irish bench, and with Archbishop Troy of Dublin was recognized as the foremost spokesman of the Irish hierarchy in the trying days of the Irish Concordat policy. The years of his episcopate in Cork run side by side with John England's life, as boy, student and priest; and to estimate the inner value of John England's priesthood in Cork, the relationship of the two men must be well understood. Like Troy, Dr. Moylan was a thorough going loyalist to the British Crown. In the times in which he lived, prudence taught him that it was essential for the continuous restoration of Catholic ecclesiastical life and for the retention of the qualified religious peace they were enjoying that none should provoke the active hostility of the Protestant Government. There is no doubt also that owing to the prominence of his brother, General Stephen Moylan, in the American Revolution, Bishop Moylan felt that he should be particularly watchful.

The two prelates of Dublin and Cork were to travel hand-in-hand up to 1815, during the intense period of the Veto agitation. Both, by birth, education, policy, and intellectual outlook were imbued with the Continental philosophy of the divine right of kings, and with the policy of passive obedience to the enemies of Irish freedom. Neither prelate hesitated for a moment when, in 1791, the United Irishmen began to rally the forces of rebellion about themselves, to declare their stand on the movement for independence. They were out of sympathy with the movement from the outset, and the two stirring Pastorals which they issued condemning the policies and actions of the United Irishmen stand out as the most effective of all the moral measures against the Sinn Fein of the day in the uprising of 1798.[22] Dr. Moylan's Pastoral of 1796, to his flock in Cork, who were then rejoicing in the appearance of the French fleet in Bantry Bay, had placed him foremost amongst

[21]The high state of ecclesiastical organization in the Diocese of Cork at the time is well portrayed in the regulations, laid down in the *Statuta Synodalia pro Diocesi Corcagiensi*, first printed in 1786, reprinted in 1810 by order of Bishop Moylan. Some of these rulings will no doubt affect the years of England's ministry in Cork, as for example, the statute that all controversy with non-Catholics was to be avoided especially on the part of young priests. (Copy of this rare pamphlet is in the British Museum.)

[22]Cf. Moran, *Spicilegium Ossoriense*, vol. III, pp. 582-588.

those in Ireland who were determined to uphold the King's power in the land.

When the Maynooth grant was established by Government in 1795, it is hardly to be wondered that many saw in it the beginning of a new policy, the ultimate development of which would lead to the establishment of some form of the Catholic religion in Ireland.[23] The long-standing grievance of the Protestant Establishment in Ireland, which meant the support of the Protestant religion by the Catholics of the land, was among the most galling aspects of the yoke which England fastened about the neck of the Irish race. The plan which began to be mooted between 1795 and 1799 of State support for the Catholic Church was not an unwelcome one to a people burdened to the last extremity of their patience with taxes which were an abomination to them. Naturally the English Government surmised that, should they give salaries to the Irish clergy, there would be no objection to their control of the nominations to episcopal Sees in Ireland. In 1795, at the request of the Government, Dr. Troy endeavored to ascertain the opinions of some of his colleagues in the Irish hierarchy, and from the answers he received, he concluded that the Irish bishops would allow to the King a voice in such nominations, in case the royal interference was unavoidable. Dr. Moylan was one of those who believed the Concordat between the Irish Church and the Crown unavoidable. In the celebrated Maynooth Trustees meeting of January, 1799, he was also one of the ten prelates who signed the Resolutions which stated that such a method of assurance on the part of the Government of the loyalty of the person appointed to a See in Ireland "is just, and ought to be agreed to".

The first phase of the question of the Veto began and ended with the resolutions of 1799. Bishop Cohalan has pointed out that a question might be raised as to whether these resolutions belong properly to the Veto controversy at all, since it is only later in 1808 that the term "Veto" began to be used. The politico-canonical question lay in abeyance during these years (1799-1808). Other events of a world-wide nature were dominating the minds of men of affairs. The last session of the Irish Parliament opened its

[23]Ward, *Eve of Catholic Emancipation*, vol. I, p. 47. London, 1911.

debates in January, 1800, and with the lure of Catholic Emancipation and by a bribery that stands quite alone in its baseness, the Union was passed and became a law on January 1, 1801. After that date, England was in the throes of her worst frenzy of fear over the success of Napoleon, and English domestic affairs were to a large extent ignored. In Ireland, however, these years immediately following the Union were the overture to an economic as well as to a political phase which marched toward ever-increasing complexity. One final attempt to throw off the shackles ended in the execution of Robert Emmet, on September 20, 1803, and with his passing Ireland lost the spirit of rebellion down to our own day. What members of the hierarchy, such as Troy of Dublin and Moylan of Cork, must have felt at the result of their trust in Pitt's perverse statesmanship, will be seen later between 1808 and 1813, when Emancipation was again proffered with the Veto as the bait.

It was at this juncture (1808) that John England, who doubtless had heard much of the inner history of these years while at Carlow College, began his labors as one of Dr. Moylan's priests.

CHAPTER III.

Ministry in Cork
(1808-1820)

Immediately after his ordination to the priesthood, Father John England was appointed chaplain to the North Presentation Convent in Cork. The contemporary *Annals* of this venerable house of prayer speak of him as a

> zealous ecclesiastic, young in years but ripened to maturity by the solidity of his judgment and the steadiness of his virtue. The Community found not alone a Chaplain, but a tender Father, who yearned over their hardships and privations; a trusty friend who stood by them in all their distresses, sympathized in their sorrows and soothed their pains; a fervent supplicant, who daily elevated his hands and heart to Heaven for them when he offered in the Sanctuary the Spotless Victim; a co-operator in their labors, who, obedient to his Divine Master's direction, became as a little child, and, descending from the heights of his towering talents, was often to be found in the midst of hundreds of indigent, destitute children, breaking to them the Bread of the Gospel, whilst that spirit of Apostolic zeal which animated him, extended its activity to the illiterate adult and the aged sinner, many of whom were brought to a lasting sense of their duty by his assiduity, his patience and persevering exhortations in the Sacred Tribunal.

It has been stated in a previous chapter that Cork knows John England no longer and that his memory has faded as part of the city's historic past. A worthy exception to this general forgetfulness is the North Presentation Convent, which he served faithfully for nearly ten years; for, as these interesting family *Annals* of the Community are read year by year, the remembrance of John England is kept alive with this eloquent tribute to his care and devotion as their spiritual father. The North Presentation Convent was founded from the original mother-house (the South Presentation Convent), on January 15, 1799, by Mrs. O'Connell, a widow of Cork. Dr. Moylan had long cherished the hope of erecting a Catholic school for the destitute children of that part of the town, and on November 14, 1799, the school was begun by the nuns, under

the direction of the Very Rev. Robert McCarthy, Dean of the Diocese, who had guided John England in his vocation. The first chaplain was Abbé Gauthier, a Carthusian monk, and one of the *émigré* French priests of the period. Under Father England's guidance, ground was bought in 1810 and a new and commodious convent was built the following year, and later he directed them in the erection of a large school house.[1] The *Annals* state that Father England took an active part in the building of the convent—

> himself laboring at the building, no less than any one of the workmen, from whom he could not be distinguished, so covered would he be with lime and dust. The setting sun often found him toiling in mind and body for the completion of the Convent.

"On November 21, 1811, the Feast of the Presentation of Our Lady, Miss Mary England (sister to the Rev. John England) entered into this community." The *Annals* from which this entry is taken, afford us many glimpses of his sister's life and works in the community: "She received the religious habit on October 6, 1812, and was given the name: Sister Catherine of Siena." In November, 1814, Sister Catherine was professed, making her vows before the Rev. Archdeacon Murphy (later Bishop of Cork), who officiated in the presence of Bishop Moylan "who was too feeble to perform the ceremony." Sister Catherine England held many posts of responsibility in the community, and lived to a good old age, dying in 1872. She was then in her seventy-sixth year. The *Annals* speak of her in rare terms, and she is praised for qualities which she apparently shared with her brother. She is said to have been well versed in Spanish, Greek, Latin, French and German. We shall meet her again during Bishop England's visits to Ireland (1832, 1834, 1841), especially in 1834, when it was only the express command of Bishop Murphy that stopped her from going out to Charleston with her brother.

Father John England was appointed also to the post of Lecturer in the North Chapel, as St. Mary's Cathedral is called to this day. It is not certain what the "lectureship" meant in those days, and as it was the first appointment of its kind there is no precedent by

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[1]Hutch, *op. cit.*, pp. 226-233.

which to judge its scope.[2] It is stated in the *Life of Mary Aikenhead* that Lord Dunboyne (the pervert Bishop of Cork) established the lectureship, the principal purpose of which was a discourse on scriptural subjects at the ten o'clock Mass on Sundays, and that he created an endowment to this effect. It is believed that Dunboyne's motive was to make reparation for the scandal he had given. There is, however, no trace of any endowment for the lectureship. In the *Annals* from which we have been quoting, it is said that Father England was named "first lecturer" and the other priest who said the Mass was called "second lecturer," owing to the practice of carrying on a disputation before the congregation. One lecturer occupied the pulpit and expounded the scriptural text, while the other at the altar made objections in order to bring out all the doctrines involved in the question. These exercises drew great crowds to the Cathedral, and Father England's reputation for argumentative skill and knowledge dates from that time. None of these conferences is extant, either in his published works or in Bishop England's papers in the Charleston Archives. "In this station," writes Read, "Mr. England perfected himself in that magnificent public oratory, for which, beyond the sphere of his immediate and personal official relations (though among the least of his many and splendid endowments), he was principally admired."[3]

St. Mary's Cathedral is one of the most attractive of all the churches in Ireland, with a magnificent tower overlooking the city. The Cathedral was begun by Bishop Moylan in 1799, and was solemnly opened on August 22, 1808. The ceremony itself marks an historic moment in the ecclesiastical annals of Ireland; for, among the bishops present at the opening was John Milner, the storm-centre of the years which saw the Catholic Church of the British Isles pass through the Scylla and Charybdis of Vetoism. There is no evidence available that John England, as a young deacon, had arrived from Carlow in time for this solemn function, though undoubtedly he was the first priest to be ordained in its sanctuary.

His duties as chaplain to the prisoners of the city brought him into close contact with the worst aspects of the social conditions of

[2]See note 17, Chapter II.
[3]*Memoir* in England's *Works* (Reynolds), vol. I, p. 6.

that day. Here he became, to cite Read's words, intimately versed in the political misery of his countrymen and the diabolical machinations by which their tyrants tortured, degraded, plundered and enslaved them. Read writes:

> A circumstance related by himself sheds baleful light on that system under which Ireland so long has groaned. During one of his visits to the jail, a turnkey told him there was a prisoner recently committed, who was abandoned to the most frantic despair. Mr. England sought his cell immediately, but for some time found him inaccessible. With frightful imprecations, now against himself, now against the treachery of the Government, the wretched man seemed on the verge of the wildest insanity. At length, the soothing voice of pity, and the tranquil admonitions of sober reason, recalled him to something like composure; and he told his sad tale. He had been an emissary of Government, and his business was to foment discontent among his countrymen, stimulate the daring to outrage, and then betray them to the bloodhounds of the law. He had, at length, become possessed of too many secrets, and it was expedient to get rid of him. He had accordingly been entrapped into some accustomed felony, for the usual purpose of turning approver, and arrested under circumstances that left no hope of his escape from conviction; and he was now writhing under the certainty of his destruction and the horrid consciousness that it was justly incurred. Mr. England was a man whom no circumstances could take by surprise. He applied his searching intellect at once to the examination of the prisoner's statements; assured him that, if they were true, he should be defended, with strong hopes of success; and, at the same time, held out to him the consolations that religion offers to the repentant sinner. He left him, to return on the morrow with witnesses and counsel—but, on that morrow, the prisoner was gone, nor could the most diligent enquiries elicit a trace of his fate. Many years afterwards, when the occurrence had faded from his memory, a person called on him in Charleston, and enquired if he were related to Mr. England, the former chaplain of the prison at Cork? On being informed that he himself was the identical person, the stranger asked if he remembered the incident I have just related. The Bishop, with some difficulty, recollected the affair, when his visitor informed him that he had known the prisoner in India, where he had seen him confined in a remote fortress in the interior; that he had there communicated to him his wretched history, and its consummation. The interview with Mr. England had been re-

ported, the government took alarm, and he was spirited away.

Transactions like the foregoing, the ordinary incidents of everyday life, have long since made every honest Irishman a politician: and if ever an Irishman was true to his country, that Irishman was Bishop England.

But his was that reasonable zeal, which, while it animates the oppressed to unremitting perseverance for the attainment of their rights, is yet more effectively useful in controlling that spirit of wild justice, which, bursting into momentary frenzy, is at once impotent for good, and serviceable to tyranny, as affording it new pretexts for more crushing measures of subjugation. His undoubted patriotism, and the strong hold he possessed on the affections of his injured countrymen, sufficed to restrain them when they would come to him with crude plans for insurrection; while his quick sagacity and instinctive knowledge of men enabled him successfully to expose to them their insidious instigators.

Another anecdote, which I give on the same high authority, exhibits the even balance held by the Catholic religion in all questions of doubtful morality, and how clearly she distinguishes between the public virtue and the private right, the wonderful power over his fellow men possessed by the lamented subject of these remarks.

A gallant youth, of noble fame, of joyous soul, of previously blameless life, and steady piety, and who supported by his labour a widowed mother, had been inveigled into robbing an arsenal, and possessed himself of some public arms; detection followed, he was tried, convicted and condemned to die. The arms, however, had been effectually concealed; and with delusive casuistry, persuading himself that his forfeit life had purchased the property of the oppressor, he communicated his secret to his doubly bereaved and destitute mother, who fell under the same temptation, to retain the miserable profits of his crime. Mr. England proffered his ministry; but the Catholic doctrine of Restitution, the stumbling block to so many alarmed, but half-repentant souls, was in the convict's way. He announced publicly, in the open prison, that he should not restore the arms; and his desperate associates animated him and confirmed him in his resolution. In vain Mr. England argued, expostulated, entreated—the prisoner was obdurate. The day for execution came. It dawned on the shepherd still struggling to reclaim his wandering sheep. "I am going to say Mass; will you attend?" "I will, but you will not give me Communion." "Then it will avail you nothing to attend the Sacrifice." "I shall not restore the arms." And they relapsed into

a gloomy silence. At length the sheriff arrived. The case had excited more than usual sympathy, and a strong military force was in attendance. The convict received the grim executioner of the law with the calmness of a martyr. The fatal rope was placed around his neck. Not a nerve trembled, not a muscle shook, not a drop of blood forsook his cheek, not a sparkle of his eye was dimmed. He simply remarked, "You have allowed me very little jerk—but 'tis of no great consequence," bowed to the sheriff, and moved towards the door. At that instant Mr. England stood before him, and glaring on him with an eye that could penetrate the inmost soul, exclaimed, "Stop, sir; you shall not go to hell for half an hour yet." "How could you speak so to a dying man?" "You know I speak the truth, and that I should not do my duty if I did not." The culprit turned away, and crouched in the corner of the prison, as hiding from the wrath to come. "Indulge me, sir, for half an hour," said Mr. England to the sheriff. "My warrant," he replied, "extends to five p. m.; you can have till then, sir." "I shall do whatever I am able to do in the time I ask." And here the impenetrable veil of the confessional falls around the penitent and the minister of reconciliation. But this we know, that, within that hour, passed forth to die, without defiance as without fear, a weeping Christian; and that he who marshalled him through the dark portals of eternity, and had stood by many a death-bed, assured me that he never commended a parting soul to the mercy of his Saviour with better hope than he did on that sad day. In schools like these, in the condemned ward and on the scaffold, was the patriot trained, for what must be considered the great achievement of his life—his successful resistance to the attempt of the British government to subsidize the Catholic clergy, as the bonus for emancipation.[4]

Years later, when Bishop England was attacked in a pamphlet filled with libels, these days as chaplain to the prison of Cork were given a sinister coloring. His opponent wrote:

> You seem not to be acquainted with the progress of the human mind in this great and vast country; your long acquaintance with convicts, and cells, and gallows, might have enabled you to form accurate ideas of the base and more corrupt passions of the human heart, but it appears you have never looked at the fairer side of human nature, or never seen the bright and progressive aspect which the human soul wears when it breaks through the fetters of slavery, and shakes off the encumbrances of ignorance, despotism, and superstition, as it has done in

[4] *Ibid.*, p. 7.

this country; otherwise, vain as you are, you would not dare to introduce amongst us, its inhabitants, the absurd and revolting doctrine of blind obedience and non-resistance.[5]

Dr. England's reply throws additional light upon these days of his ministry in Cork:

I avow that much of my time was spent amongst the convicts, and that it would be strange if it were not, because I, during nine years, was chaplain to the prison in which those unfortunate beings were confined, after having been brought to the city of Cork from all parts of Ireland for transportation. I, therefore, did spend much of my time in cells and in dungeons, and in the holds of prison ships, and had frequently to attend the wretched victim of offended justice, and sometimes the victim, the innocent victim, of a mistaken jury, at the gallows. But in those scenes of human woe and affliction and endurement, I was led to deep contemplation and to profound research; I may perhaps be in error; I have known and conversed with the persons who figured in a court, and I have frequently made a very rapid transition from listening to the story of the weeping captive, and teaching him how to prevent the galling of his chains upon his body and his soul, and mingling my tear of sympathy with his tear of grief, to the scene of festivity and enjoyment, where innocence and mirth exhibited themselves in the faces of some, and in others care or guilt showed through the deceptive veil which had been flung over them; here, as well as in my ordinary intercourse with society, have I learned to estimate human nature, and to form my ideas of the human soul. Had the writer of the charge known the sensations experienced by him who consoles the afflicted, he never would have written as he did. From my soul, I believe no Catholic priest could have penned the paragraph. It certainly was not Mr. Hogan. He could not, if he ever did his duty as he ought, and that he sometimes has, I am inclined to believe, by the side of an afflicted and dying Christian, receiving the consolations of religion, and, aided by them, triumphing over pain, and misery, and death, he could not ever have written so foul, so false a charge. True freedom of soul exhibits itself most under the pressure of affliction. The pagan poet, the ancient philosopher, the recorder of the Godhead, the Christian martyr, the suffering saint, whether innocent or

[5] *Works* (Reynolds), vol. V, p. 150, cited from Hogan's *An Answer to a Paragraph contained in the "U.S. Catholic Miscellany," edited by the Bishop of Charleston* (Phila., 1822, 39 pp.). Cf. Finotti, *Bibliographia Catholica Americana*, pp. 157-158. New York, 1872.

penitent, the experience of the world, are all, all in opposition to the thoughtless, unfounded assertion of the pamphleteer.[6]

Father England received in these schools of sorrow his training in a sane appreciation of the political conditions of the day. He began about this time a circulating library in St. Mary's parish, Shandon, and founded a little Catholic monthly called the *Religious Repository*. No trace of this periodical could be found in the libraries of Ireland. Dr. Cohalan, the present Bishop of Cork, told the writer that he had seen a volume of the magazine. "It was an excellent journal," he writes, "and in the volume I have seen there is no politics; all the articles deal with subjects of religious and ecclesiastical interest to the faithful. It was a high-class, practical magazine." The destruction of the Cork Public Library in 1920 rendered further search for the *Repository* fruitless.

Of his work as President of St. Mary's Seminary, Cork, nothing is extant except the tradition of his unwearied efforts to place the new diocesan institution upon a high intellectual basis. In all his writings, Bishop England refers but once to this aspect of his busy past. In the *Miscellany*, for December 15, 1824, he mentions with affection one of his colleagues, the Rev. Denis Lyons, who was then being considered as the successor of Bishop Burke, of Halifax.[7]

Dr. England has summed up for us in one of his letters to Bishop Conwell the various tasks which were placed upon him by Bishop Moylan during these years of his ministry in the Diocese of Cork.

During that period [he writes], I successively held the following situations, all the duties of which I regularly discharged: the chaplaincy of the city prisons; that of the Presentation Convent of Nuns for the education of poor children; that of the Magdalen Asylum; the lectureship of the Cathedral;

[6] *Works* (Reynolds), vol. V, pp. 151-152.

[7] Vol. III, p. 380. "The Community [of Christian Brothers] was for a while in dire distress, subsisting on two meals a day of the poorest fare, and insufficiently clad. In this extremity the Rev. Denis Lyons happened one morning to come to the Monastery to celebrate Mass, and, partaking of Breakfast with the Brothers, was witness of the straits to which they were reduced. He was shocked, and at once informed his brother, Mr. Thomas Lyons, Chief of the firm of Messrs. Lyons & Co., of the distressful condition of the Community. . . . Substantial support was soon secured. . . . Father Lyons died in 1825; and on his death-bed he was not unmindful of the Monastery. Calling to his side his brother Thomas, he said to him: 'Silver and gold I have none to leave to the Brothers, but sell my books and give them all that they will bring'" (*A Century of Catholic Education, etc.*, p. 29).

the superintendence of the diocesan seminary, and teacher of philosophy and theology therein; inspector of the poor schools of the city, which contained upwards of two thousand boys; and secretary to the Fever Hospital; and was on the committee of several charitable institutions. Many of these situations I held together, and was during the entire period secretary to the diocese, and secretary to the Board of Examiners of Candidates for Holy Orders.[8]

Among these varied posts, that of Diocesan Superintendent of Schools was most likely the one which appealed to Father England. Father Corcoran has published in his *State Policy in Irish Education* some interesting details of the Catholic Poor Schools of Cork during the years of England's superintendency. Two years before his ordination, at a general meeting of the School Committee, with Bishop Moylan in the chair, it was resolved to consider Mr. Lancaster's mode of education, and that same year (1806) the new system was adopted. At a general meeting "held in the Lancastrian School House," on July 18, 1815, with Bishop Murphy presiding, the following Report was read by Father England:

The Committee of the Roman Catholic Poor Schools of the City of Cork . . . think it their duty . . . to lay before this meeting the good effects which have been produced . . . It is within the recollection of many of this Committee that under the restraints upon Roman Catholics . . . it is utterly impossible to give the Poor Children of their Communion the benefit of Education, because the Professor of that Faith was prevented by the Statute law from being even an Assistant Teacher in the very meanest School in the Country. . . . This Committee feels gratification in being able to inform its supporters that . . . the improvements . . . made in Education by any persons in any place, have been seriously considered, and adopted either in part or entirely. The first efforts of the Committee were necessarily . . . imperfect . . . from the nature of the system of instruction then prevalent, and from the description of teachers they were obliged to employ . . . yet great numbers were taught to read, to write, and to cast accounts; very many were clothed, and some were apprenticed out to trades. . . . The Gentlemen of the Monastery, admitted into that Institute solely from their

[8] *Ibid.*, vol. V, p. 134. A friend has come across a *bon mot* about John England made by one of the curates, when, besides being Parish Priest, Father England was occupied with so much outside work. The curate remembered Nelson's signal at Trafalgar and applied it by a variation of emphasis—"England expects every man to do *his* duty!"

> capability and zeal, have even improved upon the plan of Mr. Lancaster; and the vast progress made by the children since these Gentlemen have taken charge of the Schools, is the best evidence of the benefits which have arisen from this change. Another great advantage which has been lately obtained is the establishment of the Lancasterian School by this Committee. . . . [9]

These fragmentary sources are an evidence of Father England's active co-operation in all that led to educational progress in the city. One further fact has come down to us, fortunately rescued from oblivion by Father Corcoran. In 1815 there was issued at Cork a *School Primer of Irish History*, which was attributed to Father England.

> This most able organizer and writer [says Corcoran], took a leading part, with Archbishop Murray and Drs. Blake and Betagh, in directing public opinion. On the issue of Government influence in the administration of the Catholic Church in Ireland . . . Dr. England was not content with the organization and management of the Cork schools. He sought to mould ideas through the school subjects, and with this purpose produced the remarkable *Sketch of Irish History for Schools*. An examination of its text will show that it was quite apart from the ordinary colourless historical primers which will be found in use even now. Throughout the text the attention of teacher and scholar is focussed on ideas and policies: it is political in every phrase, and it devotes most of its space to the forty years of contemporary history which preceded its issue in 1815.[10]

Ten years later, the Protestant Archbishop Magee, of Dublin, in his replies before a Committee of the House of Lords (May 13, 1825) investigating primary education in Ireland, speaks of the *Sketch of Irish History* "as so monstrous a book that I sent a copy of it to one of His Majesty's Ministers." Magee thought the book all the more dangerous since it was written in so clear a style that it was accessible to "the meanest capacity" of intellect in the Irish schools.

> A few months after his little book was reviewed with alarm by the House of Lords and by a Royal Commission, the author, who had been but five years in the United States as a Catholic Bishop of a small and remote diocese, and who was himself so

[9] Corcoran, *State Policy in Irish Education*, p. 130.
[10] *Ibid.*, p. 37

poor that he often walked in the streets of Charleston without soles to his boots, preached by invitation before the President of the United States and both Houses of Congress the commemoration sermon of the Declaration of Independence. The qualities of thought that brought him such an opportunity in 1826 were clearly shown in the Primer of Irish History published in 1815.[11]

Some of the questions and answers in the little *Sketch* are worthy of reproduction, if only for the purpose of preparing the reader for the chapter which follows on the Veto Question:

Did Mr. Pitt lend the arm of the executive to all the *purposes of intolerance, to which his Irish undertakers thought fit to apply?*

He did most largely. The weakening of Ireland by internal dissentions was the private order given to the chief agents, while the public instructions to the ostensible and responsible Ministers to the crown, concealed the destructive principle in the background.

What part of Ireland was selected by the managers of the ascendency as the theatre for the exhibition of their power?

Armagh, the most Protestant county in Ireland. The ancient village feuds and dissentions of the *Peep of Day boys* and *Defenders* were renewed under the acrimonious distinction of Protestants and Catholics for the purpose of creating more lasting division.

Was not government more alarmed in 1791, at the sympathies of the Presbyterians in the north with the French revolutionists than at the prospect of Catholic emancipation?

Yes; although the Presbyterians came cordially forward as the staunch advocates and supporters of the Catholics and the boldest asserters of their rights.

Was not the Catholic Petition rejected by the House of Commons in 1792?

It was; and not a member stood forward to oppose its rejection; even Mr. O'Hara who presented it desired not to be considered as its patron. This insulting outrage exasperated the Catholics, and filled their enemies with proportionate confidence.

Was the triumph of the *Protestant ascendancy* on this occasion of long duration?

No; for in the next session that very Parliament was directed by Mr. Pitt to grant almost the whole substance of the petition which but a few months before, they had been ordered to reject

[11] *Ibid.*, pp. 37-38.

with contumely. The weakness of the *ascendancy* was thus exposed by convincing the nation that they moved not by their own will or energy, but in servile obedience to foreign authority.

What do you mean by the Protestant ascendency?

An oligarchy who claimed exclusive possession of loyalty, and who for the purpose of securing to themselves the places which they held and the patronage which they enjoyed, continually charged with disaffection to the government all persons who were desirous of conciliating the people by extending to Ireland that portion of civil and religious liberty which is the best gift of the British constitution.

Did not the Irish Catholic Body send delegates to London in January 1793, to present their petition to the King?

Yes; and His Majesty was most graciously pleased to accept it, notwithstanding the bigotry of their own countrymen; and by extending to the petitioners the royal patronage, insured their relief.

Were the Catholics fully emancipated at this period?

No; they were only partially restored to some of their civil rights, by the concession of the elective franchise, the admission to the profession of the law, the removal of the obstructions to their trade and manufactures, etc, etc.

Did the prevention of the meeting put a stop to the exertions of the people in favour of reform?

No; different meetings for that purpose were held by a society of persons called *United Irishmen* which society was formed in Belfast, and then in Dublin, by Theobald Wolfe Tone, in the year 1791.

Was not this society composed principally of Roman Catholics?

No; their partial emancipation in 1793 caused them to be generally satisfied for some time, but few of them joined the association until some few years after.

What were the principles of the Orangemen?

They affected to unite in support of the constitution as established by King William at the revolution of 1688, and their original object and obligation are stated to have been the extermination of the Catholics in Ireland, as far as in them lay. This oath of extermination they afterwards changed into that of supporting the King, *as long as he should support the Protestant ascendancy.*

What did Mr. Grattan say of the Orange Institution in the Parliamentary debate of 1796?

"Those insurgents," he said, "call themselves Orangemen, or Protestant boys; that is, a band of murderers, committing

massacre in the name of God and exercising despotic power in the name of liberty." Seven thousand individuals were exterminated by these wretches in the county of Armagh alone, whose only crime, as Lord Gosford asserted, "*was the simple profession of the Roman Catholic faith,* or an intimate connection with anyone professing that faith."

How did the government act on this occasion?

It protected the associated perpetrators of these horrors, anxiously propagated their principles throughout the realm and promoted the formation of new lodges for the express purpose of keeping up distinctions in the people, inflaming religious discord, and turning the public mind from the pursuit of constitutional objects.

Was there any particular class of the Catholics specially deceived by the Ministry on this occasion?

Yes; the Ecclesiastical Trustees of Maynooth College, ten unsuspecting prelates were cajoled by the Ministry, particularly by Lord Castlereagh, with the expectation that emancipation would be granted and their religion protected.

Did not these prelates consent to have the power of a Veto upon the appointment of Bishops, vested in the crown?

No; they indeed resolved that some degree of interference on the part of His Majesty may be allowed, for the purpose of assuring him of the loyalty of the persons nominated to the vacant sees; but they did so without reflection, or authority, and under the most deceitful circumstances which rendered the resolution less censurable than it would otherwise have been; but even their fellow-prelates were ignorant of this fact for nearly nine years after.

What was the situation of Ireland, when Mr. Pitt returned to office in 1804?

It experienced all the baneful effects of UNION; an enormous and growing increase of debt, a rapid falling off of revenue, and a decay of commerce and manufacture.

Did the resolutions of several country-meetings of Catholics with reference to their total emancipation, hold a language of confidence and assurance which was as new as it was offensive to the Castle?

Yes; but nothing so alarmed the government as the rising harmony and concert of the Protestants with their Catholic countrymen.

Was not the Catholic petition presented in due form to the Imperial Parliment in 1808?

It was; and at that time was brought about the discussion of the *Veto,* which threw the public mind into universal agitation.

Did not this attempt to intermeddle with a national religion, preserved with a virtuous Hierarchy without any *civil* establishment or state interference, through centuries of oppression and persecution, produce alarm in every reflecting mind?

Yes; the laity abhorred the idea of ministers of their religion becoming open to court influence and intrigue, and shuddered at the prospect of prostituting the sacred function of the Apostolic Mission and jurisdiction, to which they had hitherto submitted as of divine institution, to its revilers, persecutors and sworn enemies.

How did the Catholic prelates act on this occasion?

They met in regular national synod on the 14th and 15th of September, 1808, in Dublin, and came to the following resolutions. "It is the decided opinion of the Roman Catholic Prelates of Ireland, that it is inexpedient to introduce any alteration in the canonical mode hitherto observed in the nomination of the Irish Roman Catholic Bishops, which mode long experience has proved to be unexceptionable, wise, and salutary. That the Roman Prelates pledge themselves to adhere to the rules, by which they have been hitherto uniformally guided; namely, to recommend to his Holiness, only such persons as are of unimpeachable loyalty, and peaceable conduct." These synodical resolutions against the *Veto*, were signed by twenty-three Prelates.

Did not Orange ferocity sensibly increase in the year 1809?

It did. The native leaders of the Orange societies rendered their system at that period so additionally ferocious, that some of the less blood-thirsty withdrew their names, who nevertheless adhered to the general principles of their institution, that is, to a proscriptive and implacable hatred to Catholicity.

Was not the King incapacitated from attending to business, towards the close of the year 1810?

Yes; it pleased the Almighty God to revisit His Majesty with a return of that illness which has suspended his exercise of the executive authority since that period.[12]

One little known fact of Father England's life at this time was his intention to come to the United States as a missionary.

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[12]*Ibid*, pp. 213-222 (*passim*). A copy of the *School Primer* is preserved in the Franciscan Library, Merchant's Quay, Dublin. Another copy is in the Royal Academy there. There was also a contemporary *Catechism of Irish History*, written by Mrs. Young (Sister Mary Ursula of the Ursulines of Cork), which was attributed to Bishop England's pen. "It was the cause of great displeasure to the party of the ascendancy"; (cf. *Catholic Miscellany*, vol. XIX, p. 39). Dr. England never admitted authorship of the *School Primer*, which is really a manual of political action for Catholics and splendidly done.

In one of his letters to Bishop Conwell (October 4, 1822), England says that twice, before he accepted the See of Charleston, his Bishop had "refused me leave to come to this country," and had also "refused to comply with a written request of the Congregation of the Propaganda in Rome, to the same effect."[13] Among the letters, extant for this period, which touch on this subject, is one from John England to Father Richard Hayes, the Franciscan, which we discovered in the Franciscan archives, at Merchant's Quay, Dublin, dated Cork, May 5, 1817. An analysis of the letter would lead us to conclude that John England had grown weary of the struggle for Church independence from State control and had written to Propaganda Fide asking for permission to go to the United States as a missionary. Propaganda gave him this permission, but Bishop Murphy declined to give him an *Exeat.* It would appear that a week before this word was received from Rome, Father Mahony, the Parish Priest of Bandon, had been killed by a fall from his horse, whereupon the Bishop offered Bandon to Father England. "I told him," England writes, "that I preferred the *Exeat,* but finding him immovable, and not having received any answer from Coppinger's letter to New York, I thought upon the whole I did right to accept for the present what was very good." This indicates that Bishop Coppinger of Cloyne and Ross, the neighbouring diocese, had written to Bishop Connolly, of New York, in favor of Father England. Someone, evidently a priest, wrote to Bishop Connolly, on September 14, 1817, on the same affair, and from Dr. Connolly's answer, it would appear that it was directed to England himself:

New York, December 6th, 1817

Revd. Dear Sir,

I have lately received with great satisfaction your very kind favour of the 14th September last, which was the first letter from you that has reached me. I have communicated its contents to the Trustees of our two Churches here. As they were very desirous of your coming here, they received the news of your determination with particular pleasure, and to facilitate your undertaking your voyage hither as soon as possible, they gave me a Bill of Exchange, for the sum of Sixty pds British, requesting I would, agreeably to your directions to me, send it for you, to the Rht. Revd. Dr. Coppinger. You will receive it

[13] *Works* (Reynolds), vol. V, p. 145.

from his Lordship, as I have inclosed it in a letter which I addressed to him at Cove a few months ago. They are of opinion, that, neither they, nor the body of the Catholics of New York will ever permit a person of your merit to stand in need of anything that may be necessary for your comfortable support. I am also really of the same opinion; moreover, besides the six hundred dollars a year which the Trustees of our Churches pay to each of our Priests, we have other perquisities arising from the charity of Masses and what is *voluntarily* often offered for Baptisms and Marriages. Should anything be offered us for Confession, Communion or Extreme Unction we would not accept of it. No Priest here complains of not having enough to support him with decency. The cold season is already set in here; our greatest cold is generally in January and February. But does not continue more than a few days. As Mr. Marechal, the Vica. Genl. of Baltimore, is to be consecrated Archbishop of that See on the 14th Inst., I must set off from here tomorrow, in order to be at that ceremony. I request you will let me know the time that you intend to embark for New York. I conclude, wishing you a speedy and agreeable voyage hither, and assuring you that I am, with sincere respect and esteem,

Revd. Dr. Sir, Your most obedient and humble servant,

✠JOHN CONNOLLY,
C. B. of New York.[14]

England's transfer, or removal, from Cork to Bandon, took place on May 4, 1817. Bishop Murphy was too strong an opponent of Vetoism to remove without cause from the episcopal city a priest of whom all Ireland was very proud. It may be, however, that England's friendship for Hayes, who later was arrested by Papal command (May 18, 1817), and given twenty-four hours to leave Rome, influenced the friends of the Veto in Ireland to bring pressure upon Bishop Murphy to place the brilliant clergyman at a safe distance from so active a centre in the controversy as Cork.

Bandon itself, a small town about sixteen miles southwest from Cork, was hardly a popular place for Catholics at the beginning of the last century. The town was begun by the first Earl of Cork

[14] *United States Catholic Miscellany* vol. III, p. 385. From the minutes of the Board of Trustees of St. Patrick's Cathedral, New York, it would appear that this letter refers to Father William Taylor; but I am inclined on other evidence to believe that it has to do with Father England's plan of going to America, and that Bishop Connolly wrote a similar letter to Taylor. (Cf. *Historical Records and Studies,* vol. I, p. 215.)

as an exclusively Protestant settlement, its first citizens being Protestants from Bristol. It is said that these gentry erected the following inscription over the gates of the city:

Turk, Jew or Atheist
May enter here,
But not a Papist.

And the story goes that Dean Swift added the warning:

Whoever wrote this, wrote it well,
For the same is wrote on the gate of Hell.[15]

It was during this period of his ministry that an incident occurred, which sets out, in bold relief, the distracted condition of his country at the time, the qualities then requisite in the soldier of the Cross, and the readiness with which Father England responded to every call of duty:

> One night at a very late hour, he was roused by a knocking at his door. On his demanding who was there, the answer came from a female voice. "Does the parish priest live here?" "I am the parish priest." "You are wanted for a dying woman." "Who is she?" The name was unknown to him. "Is she a Catholic?" he asked. "No." "Are you Catholic?" "No." "Then why did you come?" "She used to say that, when dying, she would wish to have a priest." "Has she sent you now?" "No." "How then do you know she wishes to see me?" "They had promised her when well that, when she should be dying, they would bring her a priest, and now she was dying." He suspected a plot; and outrage was so rife throughout the region, that it seemed more probable that some evil was intended—still there was something so mysterious in the affair, that he determined to investigate it; and spurning the suggestions of caution—fear he knew not—prepared for his darkling expedition.
>
> His guides led him to the country by a circuitous route, enjoining the strictest silence, as they stated that an armed party were posted on the high road to intercept them. At length they entered, with the utmost caution, a solitary hovel. In one corner lay the dying sinner, and, on some planks placed above the rafters, several men were sleeping in a position from which they could look down upon the bed. He comprehended at a glance the entire case. She was of that unhappy class, by no means confined to Ireland, who believing the saving truths of the Catholic religion, and yearning for its life-giving consola-

[15]Propaganda Archives, *Scritture riferite, America Centrale,* vol. 5.

tions, are yet restrained from avowing and acting on their convictions, by the influence of the tyranny of friends, and what is sometimes conceded to the serpent wiles of earthly love, or the dread of fashionable opinion, was, in the rude state of society I tell of, attempted by open force. The family knew her inclinations, but, mislead by party zeal, resolved to prevent her "reconciliation"—if necessary, by the murder of the priest.

Mr. England seated himself near her and whispered: "I am the parish priest." She muttered an incoherent answer relative to her food. Again he said, "Did you wish to see me?" and once more she replied at random. He thought her delirious—'twas but the ready expedient of female address, to baffle the sleeping watch, in case the noise of his entering had roused their dozing attention. But no sooner was she satisfied that all was still, than she opened her gasping soul, that panted for the cooling waters of life like the hunted hart, professed her faith, received the saving rites, and was bidden to "depart in peace." Led forth by another route, with equal caution, and instructed to gain the high road beyond the armed party, so that, being seen coming from a more distant point, all suspicions might be lulled, he passed a gang of noted Orange desperadoes, at the entrance to the lane which led to the dwelling he had quitted; and gave them the good morrow, as the dawn was breaking, with that cheerful glee and merry triumph, that few but an Irishman can feel in the very presence of his intended assassins.[16]

The shortness of Father England's tenure of the parish of Bandon precluded the chance of any notable monument of his work being still discoverable there. He held the parish from May 4, 1817, until his resignation, August 25, 1820. Canon Cohalan, parish priest of Bandon, writes to the author, October 17, 1923:

> Although any notable external record of England is not obtainable here, he left on the pages of the parish register the impress of the mind that sought to view parish events in the relation to history. The past history of Catholics in the parish had been largely effaced under the oppression of two centuries, but Dr. England made careful enquiry of the oldest people and gathered items of valuable information which he embodied in some pages of local history. These records in themselves have only local interest, but they bear testimony to a mind that took a cultured scholarly view of his surroundings here.

[16] *Works* (Reynolds), vol. I, p. 10.

It was at Bandon, on July 10, 1820, that a letter from Father Henry Hughes, from Rome, dated June 12, 1820, announcing his appointment to the new See of the Carolinas and Georgia, reached John England. On August 12, he received from Bishop Murphy the Apostolic briefs of his appointment, and on August 25 he resigned his parish, and fixed upon September 21 as the day of his consecration.[17]

He has left us in his *Diurnal* and in his writings but few indications of what his feelings then were from the standpoint of one who had reached national fame in the politico-ecclesiastical controversy of the time, at thus being sent from his own people to a land across the seas not yet a half-century old in the parliament of nations. That there were those who saw in his elevation to the Charleston See the means of exiling from Ireland one of the staunchest advocates of non-interference on the part of the Government in Church affairs, can be seen in a somewhat extravagant paragraph from Fagan's *Life of Daniel O'Connell*:

> The principal mover in the whole of this democratic insurrection against aristocratic pretension in Cork, was the celebrated Doctor England. He was a man of great powers of mind, amazing intellectual energy; possessing, too, a masculine eloquence, and a stern, unflinching determination, well suited to a popular leader. He had all the qualities that contribute to the influence, and are necessary to the office of an agitator. No literary labor was too great for him; no opposition was too powerful. He was, from the first, a decided anti-Vetoist. Indeed, we may affirm, he was the guiding genius of the anti-Quarantotti movement. He was, at the time we write of, Editor of the *Cork Mercantile Chronicle*, an honest, well-conducted paper the downfall of which is a lasting stigma on the patriotism of the South. He worked up the movement against the local Catholic Board; and at the last forced the members to publish their proceedings. Why was it that Ireland afterwards lost the services of that distinguished man? Why was his lot ultimately cast in a foreign land — in the Southern States of republican America, where his genius burned out amid a race of uncivilized slave-owners? He sacrificed himself to the service of religion, but would he not have rendered it more service as a prelate in his native land, co-operating with such able and exalted men as Dr. Doyle in improving

[17] *Diurnal*, p. 20.

the condition of the people, and making Catholicity respected even by its enemies? The endowments of a mind like his were partly lost in the semi-barbarous sphere of Charleston, and those Southern States of America of which he became Bishop. The boundless regions of the far West presented opportunities too few for the exercise of those accomplishments and gifts with which he was enriched. Religion might be propagated by intellectually inferior agencies. Amongst the busy, money-loving, pre-occupied, and scattered sojourners in those wild, half-settled territories, one mind, however masculine and energetic, could accomplish little. His profound learning, his theological acquirements fell upon a barren soil — though, as the result has proved, from their intrinsic vigor, they took root and flourished. It is, primarily, the poor Irishman, who carries with him into these regions the religious feelings and traditions of his forefathers — who is, as it were, religious by instinct, and who clings, with a tenacity of purpose almost incredible, to the minutest observances of his faith — it is, primarily at least, by instruments such as he, that Christianity is destined to be spread over the boundless regions of the western world. Ireland is the nursery of Catholicity. Her very poverty and misfortunes, that oblige her people to emigrate, are, after all, glorious ordinances of Providence for the purpose of propagating, by ordinary means, the blessing of true religion. It is to Ireland that as teachers of religion, as the instructors of humbler missionaries, such as Dr. England, should be assigned. It was, therefore, always a source of deep regret in after days that circumstances, we believe of a private nature, suggested his appointment to the episcopacy in America. He who broke down the Veto spirit in Cork, would have rendered invaluable services in the various subsequent struggles for civil liberty and social and political amelioration. For his was a master-mind; and it was on such a stage, as society in Ireland offered, that his noble and various attributes would have found material and room for action.[18]

[18]Cited (with many mistakes) by O'Keefe, *Life and Times of O'Connell*, vol. I, pp. 380-381 (Dublin, 1864), from Fagan, *Life and Times of Daniel O'Connell*, vol. I, p. 159. Cork, 1847-48. Bishop Cohalan of Cork discovered in the Diocesan Archives a letter from Bishop Coppinger of Cloyne, presumably to Bishop Murphy of Cork, written probably after O'Connell's startling attack on the Holy See at the Dublin Meeting, August 20, 1815. The *Cork Mercantile Chronicle* had commented favorably upon O'Connell's speech. The letter, which follows, refers to the news item in the *Chronicle*: "Tho' I feel convinced that Mr. England's furious, unmeasured and unwarranted effusion upon the Veto, the Pope and the Irish Bishops, in his *Chronicle* of Yesterday, must have excited your Lordship's indignation and have brought upon him that pointed animadversion

The *Cork Mercantile Chronicle* for February 16, 1828, in an obituary notice of Joanna Monica England pays this tribute to Bishop England:

> Mayhap we will be told by some fastidious critic, that delicacy, and the peculiarity of our circumstances, should prevent us from giving expression to our sentiments on this subject under present consideration, but we will ask, can the citizens of Cork forget the services of this dignified and highly gifted Prelate — can they forget his exemplary but unostentatious virtues — can they forget his indefatigable zeal — can they forget that they often met him in the dungeon, the herald of hope, to the victim of despair — can they forget that they often saw him at the foot of the gibbet, supporting with celestial aid the shuddering culprit, by telling him, that, as the light of one world closed around him, the light of another should burst upon his vision — can they forget that on a thousand occasions they heard his voice raised in the cause of the uneducated orphan, of the forlorn widow, and of the shivering pauper; and could they forget all this — can they forget the services of that man, who encompassed with difficulties, surrounded with dangers, threatened by tyranny, and frowned on by power, still had the fortitude fearlessly to vindicate his country's cause and boldly to declare that his religion should be unshackled, and that Ireland should be free; can they

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which such gross indecorum and unfounded assertion so imperiously required. I feel further convinced that some immediate reparation of the mischief and the injury he has done, or rather, because the mis [*chief is so . . . .*] I should not be surprised if a general call for his suspension [*?*] were forthwith to arise from all quarters of the kingdom, in consequence of the ebullition, among the people which his harsh and unfounded and false statements are but too likely to excite. He has, I think, given the deathblow to the *Chronicle*, which, properly conducted, might, at the present crisis, become a most useful agent or instrument of the Catholic Cause. May God direct your Lordship on the present trying occasion: I long to confer with you, and am inviolably your faithful Servt., W. Coppinger." I could find no copies either in the British Museum or in the National Library, Dublin, of the *Chronicle* for August-September, 1815. Dr. Coppinger had been a priest of the Diocese of Cork and parish priest of Passage, where Father Thomas England was then pastor. It is uncertain whether a request was made to the Holy See to promote Father England in order to remove him from the political situation in Ireland. With the Pope's known sentiments towards the British Crown, Father England had no chance of succeeding to an Irish See. Bishop Murphy and Father England did not get on too well together. England wanted to go to America, but Dr. Murphy refused to give consent to his departure, probably because it might provoke the resentment of the people. A thorough search in the Archiepiscopal Archives of Dublin failed to reveal any documentary evidence for the tradition that Bishop England's removal from Ireland was caused by Archbishop Troy.

forget the services of that man who, when the insidious minister of an insidious Court, attempted to wind his way into the very heart of the Sanctuary; when he attempted to gild the mitre with the gold of the treasury, and to purchase the Priest with the wages of corruption; when he told the people that the galling fetters of their bondage should fall from their limbs, would they but grant him a harmless security for their loyalty, through the medium of their religion, when the Catholic Aristocracy eagerly grasped at the delusive shadow; and the people almost wavered between honourable slavery and disgraceful liberty — can they forget the services of that man who raised his warning voice in this hour of trial and of danger — who stripped meditated treachery of its garb, and told his fellow bondsmen, that the sacrifice of their religion was to be the price of their freedom, and that they could only cease to be slaves, but when they became traitors to Heaven — can the Catholics of Cork then we ask forget these services, and if it be gratitude in them to say, "that they are still fresh in their memories", can it be construed into a want of delicacy in us to mention a few of these services for which they feel grateful. They are on public record —— the writer of this article has for many years been an eye witness of the public and patriotic life of this respected Prelate, and he must confess that any eulogy of his could never do sufficient justice to the virtues of the Christian Priest or to the integrity of the unblemished Patriot.

Running all through these years of his ministry in Cork and Bandon was his activity in the debates which centred round the thorny question of the Irish Concordat. Bishop England's part in the controversy was not a secondary one, and it was in this school of bitter discussion that he attained that insight into men and political affairs which stood him in such good stead in America.

CHAPTER IV

John England and Vetoism
(1813-1820)

Four periods are discernible in the history of Vetoism in Ireland. The first dates from the episcopal Resolutions of 1799 and ends with Grattan's petition in the House of Commons in 1808. The second begins with the assertion of Grattan at this date that Vetoism was acceptable to the Irish prelates and ends with the defeat of the Relief Bill on May 24, 1813. The third stage of the controversy is wholly concerned with the negotiations between Pope Pius VII and the Irish bishops from 1814 until the reply sent in February, 1818, to the address of the Catholics of Ireland. The fourth phase is that immediately preceding the Act of Emancipation (1821-1829).

Sharp distinction must be drawn not only between these four periods but also between the various attitudes of the leaders in the controversy during these phases. Once it is understood that the main point at issue was Catholic Emancipation, the Veto Question takes its proper proportionate place in the struggle; that place is by no means a principal one at any stage of the issue. The Veto controversy may be defined as the problem "which arose about the question whether or not the British Government should be allowed the right of interference in the filling of vacant Catholic Sees, or in the appointment of bishops."[1] Bishop Cohalan makes two preliminary observations in his treatment of the Veto. The first deals with the canonical procedure in the appointment of bishops; the second, with the law relating to the reception and publication of papal documents. Under the first of these observations, he points out that the Pope alone institutes and really appoints the bishops, gives episcopal jurisdiction to govern a diocese, and bestows the right to be consecrated. The problem arises: who nominates subjects to the Pope for the episcopal Sees? In some

[1] *Francis Moylan etc.*, in the *Catholic Bulletin* (Dublin), December, 1911 (vol. I, p. 630).

countries the head of the State had been given the privilege of nominating to the Pope subjects for vacant Sees.

> Protestant sovereigns [writes Dr. Cohalan], never get the right of nomination strictly so called. They cannot nominate one particular individual. Sometimes they get the right of excluding candidates unacceptable to them. But they are never allowed, by a series of exclusions, to limit the nominations to a particular person; there must always remain a sufficient number of suitable candidates on the list, so that the Pope can freely elect one for the vacant See.[2]

As regards the *regium placitum*, or the right of approving papal documents before they are allowed to be published within the realm, this privilege has been granted at times, but practically always under protest by the Holy See. "Starting with these principles or rules of Catholic public law", writes Dr. Cohalan, "we can now proceed to the Veto; and it is a question that can be examined and treated without heat, or passion or prejudice."

The complete history of Vetoism in the British Isles has never been written. From a strict, though somewhat narrow point of view, the Post-Reformation period of British Catholic history may be considered as a series of ineffectual attempts on the part of all concerned—the Holy See, the British Crown, Parliament, the English, Irish, and Scottish hierarchies, and the leading Catholic laymen of the day—to arrive at a *via media* on the question of sworn Catholic allegiance to the Government. The Oath of Royal Supremacy of Henry VIII (March, 1534) was in a way harmless at the time of its enactment, but it contained in embryo the germ of the Oath of Allegiance of Elizabeth's reign (1592-3). The Oath of Elizabeth was the touchstone of loyalty, and it separated those who were faithful to the Old Church from those who had consented outwardly at least to the New Dispensation.[3] The point that is important for our present purpose is that the acceptance of the Oath of Allegiance in Elizabeth's reign caused a split in Catholic ranks which can easily be traced from her day down the years to the opening of the nineteenth century. Government saw in the Oath a chance to play the ancient game of *divide et impera*. From

[2] *Ibid.*, p. 632.
[3] Pollen, *English Catholics in the Reign of Elizabeth*, vol. I, p. 35. London, 1920.

James's reign onward the problem of the Oath of Allegiance apparently centred around the papal dispensing power. The Oath of Obedience of 1606 contained objectionable formulas and, if not objectionable doctrine, at least an ambiguous statement of the true doctrine of papal supremacy. To call upon God to witness, at that time, that the deposing power of the Popes was "impious, heretical and damnable", was quite too close to the Gallicanism of the times for any God-fearing Catholic.[4] Besides, all loyal Catholics knew instinctively that the purpose of the Oath was not to make more secure their allegiance, but to cast doubt upon their loyalty. The divided opinion on the Oath in the reign of James I (1603-1625) and of Charles I (1625-1649) remained; and a typical example of this is the second Lord Baltimore's *Instructions*, to those aboard the Ark and the Dove, regarding the Oath. In the reign of Charles II (1660-1685), the Oaths of Supremacy were upheld by some as licit, notably by the Irish Franciscan Father Peter Walsh. The Test Act of 1672 was used to oust the Duke of York (James II) from his post as Lord High Admiral. The Titus Oates Plot (1678) added to the intense feeling about the loyalty of Catholics, and the Revolution of 1688 brought the forces in favor of the Test Act to the front in the Government. After the accession of William and Mary, no Catholic could be promoted to office under the Orange régime without relinquishing his Faith.

From this mile-stone in British history, the English and Irish Catholic groups apparently separate. In England the Catholic situation was at a standstill until 1778, when the first Catholic Relief Act was passed, and it was only a question of time before all civil disabilities would be removed. In Ireland, also, things Catholic remained at a standstill until 1774, when the Irish Oath was proposed to the Government and accepted. After that date, Emancipation was, politically speaking, not an English question, but an Irish question.[5] Being on the ground, as it were, the English Catholics were the obvious channel of approach to the Government; and hence the Irish efforts at complete emancipation were clouded over by the politico-ecclesiastical differences of opinion

[4]Pollen, in the *Catholic Encyclopedia*, article "Oath," vol. XI, p. 179.
[5]Ward, *Eve etc.*, vol. I, p. IX.

among their fellow-Catholics of the sister isle. Among these differences of opinion was to arise one—the legacy of three centuries of struggle for life within the realm—the question of "assurances" to the Government of the undivided loyalty of the Catholic body. From the political viewpoint, the penal code had failed. It had not extinguished Catholicism in Ireland, and, although the ancient Church in England "lived on in secret, somewhat like the ancient Christians in the catacombs", the enemies of Catholicism knew that it was growing stronger and sturdier with the passing years.[6]

"Owing partly to a difference of temperament", Ward writes, "and partly to the difference of circumstances and history, it is never too easy for the English and Irish Catholics to act together; the difficulty was emphasized during the years which succeeded the passing of the Union."[7] Gradually, out of this difference, there arose two parties—not, however, at the outset, two factions—among British Catholics. One was imbued with the necessity of yielding to the Government's demand of "assurances" of Catholic loyalty. This partly included the lay leaders in England and the aristocratic party in Ireland. The other was mainly an Irish party, with representation in England, which demanded untrammelled emancipation without any entangling alliance with the Government. Between the two parties stood John Milner. To understand Milner is not only to understand the Veto Question of 1808-1815, but also to understand ecclesiastical leaders like Troy and Moylan, and, in our case, to understand the priestly life of John England in Cork and Bandon during some of the last of the penal years (1808-20).

To secure then, by compromise or by an Irish Concordat, what the penal laws could not secure, namely an influence over the Catholic Church in Ireland, a step was taken in 1795, at the time the royal grant was given to Maynooth College. This project was the suggestion of a royal control over the appointment of bishops in Ireland. In February, 1795, the Irish bishops were presented with a memorandum by the Government, asking whether they would agree to the appointment by the Government of the President and Professors of Maynooth; whether they would consent to

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[6]Pollen, *English Catholics etc.*, p. 35.
[7]Ward, *Eve etc.*, vol. I, p. X.

royal nomination to Sees in Ireland, and how they would advise the Holy See on this secondary query. At a meeting of the Irish hierarchy, the four metropolitans and fourteen bishops agreed that no interference in the internal affairs of the proposed college was admissible, and that the second encroachment over Church liberties was to be resisted *in limine*. To the third query, they returned an opportunist answer: if the royal nomination were "unavoidable", they would advise the Holy See to agree to a royal *congé d'élire* of one of the three candidates proposed by the bishops of the province. To this answer Dr. Troy, the Archbishop of Dublin, and Dr. Moylan, Bishop of Cork, appended their signatures.

The stand thus taken was definite and unambiguous. The Veto, as we now know it, did not exist therefore in 1795; but there is no question of the Government's determination to secure such control at the first seasonable opportunity.[8] Cardinal Gerdil, Prefect of Propaganda Fide, wrote on July 9, 1796, strongly urging upon the bishops the duty of showing their loyalty to the British Crown, but mention is made of nothing more than the gratitude consequent upon the Government's liberality in the Maynooth grant.[9] Nor is there any mention of the Veto Question in the answer of the bishops, written November 17, 1796.[10] In the following year (May 23, 1797), Dr. Troy, the acknowledged leader of the Irish hierarchy, had an interview with Mr. Pelham, the Chief Secretary to the Lord Lieutenant, on the question of a royal nominating power. We learn the substance of this interview in Troy's letter to Dr. Plunkett, Bishop of Meath, written the same day. The Government was evidently contemplating the plan of securing the right to nominate by means of a subsidy to the Irish Catholic clergy. "It is my firm belief", wrote Troy, "that if ever this measure should be adopted, it will be followed by the decline, and perhaps the final destruction of our religion in this country. God grant that it is not proposed with this very intention. *Timeo Danaos et dona ferentes*".[11]

The next stage of the problem was reached two years later, in the

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[8] *The Catholic Veto and the Irish Bishops* (O'Riordan), edited by the Rev. Richard Fleming, C.C., p. 9. Dublin, 1911.
[9] See this document in Appendix V of Healy, *op. cit.*, pp. 663-665.
[10] *Ibid.*, pp. 665-667.
[11] Cogan, *Diocese of Meath etc.*, vol. III, p. 213.

meeting of the Board of Trustees of Maynooth. They met on January 17, 1799, and though they did not meet expressly to discuss the Irish Concordat, proposed by the Government, they doubtless knew that Lord Castlereagh, the Secretary to the Viceroy, would propose the question to them in a new light. Dr. Troy sums up the events in the intervening period in a letter to Cardinal Borgia, Prefect of Propaganda, dated August 17, 1799: Some of the Irish clergy have been implicated in the Rebellion of 1798, and suspicion was cast upon the entire body of the priesthood, secular and regular, in consequence of their acts. The King, therefore, desired to create "assurances" for the future by attaching the clergy more closely to the Crown through annual subsidies; in case this measure should be accepted, "it would be eminently suitable that his Majesty should have the privilege, as in Canada, of presenting to the Pope the subjects whom he deems suitable to be Bishops."[12] Archbishop Troy rejected the main points of the proposal, but not wishing to speak for the entire hierarchy, he wrote to the three remaining archbishops of Ireland and to several other prelates. The general verdict was that some concession should be made to the Crown, lest those who were loyal should fall under the suspicion of aiding or abetting the rebel priests. The time for the general meeting of the Trustees of Maynooth drew near, and in January, 1799, the problem was taken up for consideration. The prelates agreed to the proposed subsidy and accepted the proposition that the Crown's desire to secure the loyalty of nominees to vacant bishoprics "is just and ought to be agreed to." Certain conditions were expressed which limited the royal control, and if certain words in these conditions are stressed, the document immediately assumes a conservative tone. These restrictions were not the voice of the Irish hierarchy, nor did any of the ten bishops who signed them, ever claim openly that they represented more than their personal opinions.[13] There were in Ireland at the time four arch-

[12]Cited by Ward, *Eve etc.*, vol. I, pp. 50-52.

[13]"In his speech at the Mansion House, Shane Leslie quoted from a letter written by Dr. Troy which will tell us how those ten Bishops felt. That letter was written soon after the meeting in Dublin at which the resolutions were drawn up. It was written as a private communication to an intimate friend in Rome, Father Concanen, a brother Dominican. In that letter Dr. Troy says: 'None of us liked them. But what were we to do? We were

bishops and twenty-two bishops. The four archbishops (Armagh, Dublin, Tuam and Cashel) signed the document, and chief among the other six signatures is the name of Bishop Moylan of Cork.

The declaration of the ten bishops was never officially made public, since it had no binding force in the strict legislative sense, although it is not quite clear that they did not consider themselves as speaking for the entire Irish hierarchy. But that the January resolutions were known, goes without saying; and Dr. Troy's reputation as a "Vetoist" dates by an anachronism from this time. Bishop Ward has pointed out that, had the other Irish bishops been consulted, it is questionable whether they would have allowed any resolutions at all on the problem of Government control.[14] The leaders of the compromising party were Troy and Moylan, and the leader of the opposition was John England's one-time friend,

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between Scylla and Charybdis. We could not, of course, give our assent to any arrangement without the authority of the Holy See. We dare not give an absolute refusal to all arrangements for securing the loyalty of the Bishops. It is well known to the Government that many Priests were implicated in the late insurrection; and if we, in the dire plight in which the Catholics of Ireland now are, rejected any proposal for securities, matters would be made worse, for we would be set down as disloyal also.' I have not the letter by me now; and I cannot give the exact words of Dr. Troy. But I am quite sure that I give the substance and meaning quite correctly. Those words of Dr. Troy will tell us what those ten Bishops meant, and why they drafted those resolutions. When we consider that martial law was abroad, the weak and unprotected condition of Catholics, the suspicion under which they lived, I cannot imagine ten responsible men doing otherwise than those ten Bishops did. If they had set their face absolutely against any security for loyalty, I think they would stand guilty before history for exposing nearly 4,000,000 Catholics, clergy and laity, to even greater distress and danger than they had been enduring. The Catholics of those days stood shivering amidst the storm of winter, we bathe in the sunshine of summer; and it is not a becoming thing for us who enjoy that sunshine of freedom recklessly to cast obloquy on the memory of those who helped to win it for us by sacrifices bravely borne. It is a cruel wrong to misrepresent their action, to help in passing down to others a tradition maliciously made, which we have stupidly accepted, without using the intelligence or taking the trouble to find out the truth. When those ten Bishops found that Government meant by 'securities' a very different thing from what they had embodied in those 'resolutions,' they not only rejected the Government proposals, which came to be known as the Veto, but they refused to stand behind their own resolutions, because they would not trust the Government in the application of them. Ah! what would we not have done if we were in their place in 1799! Yes, we swagger now, at any rate; it is safe to do so. But that is not the inspired courage of patriotic principle, it is the bravado of Bob Acres". *The Catholic Veto*, ed. Fleming, pp. 19-29. The letter is quoted as from Propaganda Archives by O'Riordan, the anonymous author of *The Catholic Veto*, Cf. Hughes, *Concanen*, pp. 57-87. Fribourg, 1926.

[14] *Op. cit.*, vol. I, p. 56.

Dr. Coppinger of Cloyne. "We must judge of the resolutions of 1799 by the circumstances of that period. It has been said that the Vetoist bishops were about to betray the flock, and that it was the flock that saved the situation."[15] The ten bishops were simply driven to give an opinion and they gave it. But opinion only was contained in their reply. "They kept their resolutions secret, because they would be arrogating without permission the duty and right of the collective episcopal body. They kept these resolutions secret, because they expressed their own private views."[16] We may seem to insist overmuch on this distinction, but it is not only necessary on account of what follows, but also on account of an incredible amount of confusion which reigns in much that has been written on the Veto Question. Many of the sentiments and avowals of a later date are read into the first period. There is no need to plead extenuating circumstances for the prelates of 1799. Their resolutions were in the main in accord with the Canon Law of the Church, and they merely yielded in an administrative matter in strict conformity with the previous action of the Holy See—the right of limited exclusion in appointment to episcopal sees granted to some non-Catholic rulers. It is, therefore, a cruel injustice to the memory of these great prelates, such as Archbishop Troy and Bishop Moylan, to say that they were prepared to sanction proposals that might have brought ruin to the Catholic Faith in Ireland.[17]

Between this date (1799) and 1808, when Grattan reopened the debate in the House of Commons, certain events occurred which postponed Catholic Emancipation. The Act of Union with Ireland (1800), Pitt's broken word on Catholic Emancipation, the King's determination not to allow the question to be broached to him, and Pitt's re-acceptance of the premiership on that condition, left very little hope that the question would be settled during George III's reign. There was, moreover, in the minds of the Irish bishops a grave danger lurking in Catholic Emancipation, determined as they were to secure it; and that danger was the *quid pro quo* which the Government now seemed ready to exact. In 1805, for example, the Veto was hinted at by Sir John Hippisley in the debate on Emanci-

[15]Cohalan, *op. cit.*, p. 636.
[16](Fleming), *op. cit.*, p. 18.
[17]Cohalan, *op. cit.*, p. 639.

pation before Parliament. On May 25, 1808, Grattan brought the Veto out into the daylight, stating that he had the authority of the Catholic body to propose "that no Catholic bishops be appointed without the entire approbation of his Majesty."[18] Ponsonby, who followed Grattan in the debate, urged the necessity of a royal Veto and stated that Dr. Milner had been authorized by the Irish bishops to agree to an unlimited Veto, in case Catholic Emancipation were granted by Parliament.

At this time Bishop Milner was the accredited agent of the Irish hierarchy. After some difficulty and with the consent of the Holy See, he had taken up permanent residence in London in order the better to follow the debate in Parliament. On May 20, 1807, he went to London, and the following day had an interview with the Right Honorable George Ponsonby, an old friend of the Catholics and a member of Parliament for Tavistock. Ponsonby placed the question of the Veto before Milner, and the latter, taken somewhat unaware, replied that a positive power of Veto was inadmissible, but he believed that the Irish hierarchy was willing to grant a negative power to the Crown in order to secure Emancipation. Husenbeth, his biographer, tells us that Milner's heart "was pierced with grief and confusion", when he heard Ponsonby's "unwarranted" interpretation of the interview.[19] On May 26, 1808, Milner issued privately a *Protest* against Ponsonby's statement. It is unnecessary for us to enter into the question whether Milner had been imprudent in his statement to Ponsonby, or whether in plain terms, he was playing politics, although the documentary evidence would lead one to accept the latter conclusion. At any rate, if he did waver for a moment, one of the Irish bishops, Dr. Coppinger of Cloyne, brought him up sharply, blaming him in indignant language for what seemed like treachery.[20] It was at this time that a large poster was placarded in Dublin, and possibly in Cork also:

[18](Fleming), *op. cit.*, p. 28.

[19]Husenbeth, *Life of Milner*, pp. 152-153. Dublin, 1862. (Copy in Library of the Catholic University of America—270.092: M 659 H—is evidently Husenbeth's own copy which he had under revision. It contains some letters to Husenbeth and many corrections in his own hand.)

[20]Milner apparently had reached the conclusion from private letters which he had received from Dr. Troy, Dr. Dillon (Archbishop of Tuam), and other prelates, that the Irish hierarchy had tacitly accepted the resolutions of 1799. His mistake consisted in overlooking the strong sentiment against the Veto

> *To be sold to the highest bidder—an Antient Hierarchy, very little the worse for wear, which has stood many storms, but cannot endure fair weather. Apply to Messrs. Troy, Moylan and Co., on the premises, . . . or to Dr. Milner, travelling agent.*[21]

Milner replied in a privately printed *Letter to a Parish Priest,* under date August 1, 1808, and in this letter he speaks in support of the Veto. He urges the Irish bishops to stand by "their solemn resolution of 1799."

It was at this juncture, when all Ireland was astir over Milner's vacillation, that Dr. Moylan invited him to come to Cork for the solemn opening of St. Mary's Cathedral. Milner, accompanied by Thomas Weld, Jr., the future Cardinal, who as a boy had acted as acolyte at Bishop Carroll's consecration at Lulworth on August 15, 1790,[22] left Bristol on August 16, 1808, and reached Cork "just in time to witness the splendid and awful ceremony which in the opinion of my fellow-traveller abundantly repaid him for all the pains he had taken to be present at it."[23] Among those who assisted at the solemn opening and the subsequent ceremonies were the Archbishops of Cashel and Dublin (Dr. Bray and Dr. Troy); Dr. Moylan, who pontificated; the Bishops of Kildare (Dr. Delany), Cloyne (Dr. Coppinger), Limerick (Dr. Young), Killala (Dr. Bellew), Waterford (Dr. Power), and the Coadjutor-Bishop of Ferns (Dr. Ryan). Bishop Milner had a unique opportunity to learn the mind of the Irish hierarchy during these historic days in Cork.

After a pleasant stay in Cork, Milner visited Kerry, and then returned to Cork, whence he set out for Limerick and Dublin, in order to be in the latter city at a meeting of the Irish bishops which had been set for September 14, of that year. From all sides, the newspapers of Cork, Dublin and other cities, attacked him and his "Vetoistical Mission", as Daniel O'Connell sarcastically called it later; and true to his character Milner fought back with all his accustomed vigor. The bishops did not ask him to be present at

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on the part of some of the bishops, most of the clergy, and nearly the whole lay body of Ireland. (Cf. Ward, *Eve etc.*, vol. I, pp. 66-67.)

[21]Cited by Ward from the *Douglas Diary*, in *Eve etc.*, vol. I, p. 63.

[22]Guilday, *Life and Times of John Carroll*, pp. 374-375.

[23]Milner, *Letters from Ireland*, p. 321, cited by Ward, *Eve etc.*, vol. I, p. 73.

their meeting, but they passed a resolution exculpating Milner, after Dr. Troy and Dr. Moylan had given a guarantee that Milner would not in the future speak or write in favor of the Veto. The bishops passed also a resolution to the effect that it was "inexpedient to introduce any alteration in the canonical mode hitherto observed in the nomination of Roman Catholic bishops." Though all signed this resolution, three of the bishops did so under a mild protest. Tradition has it that among the bishops who were emphatically against the Veto at this meeting was Dr. Florence McCarthy, Coadjutor-Bishop of Cork, who as Vicar-General of Cork had prepared young England for entrance into Carlow College.

Owing to this strong opposition on the part of the Irish hierarchy, which surprised Milner so greatly that he was led into several incautious remarks regarding the "democratic party" among the bishops,[24] the Veto Question, as far as Ireland was concerned, was a dead issue; so dead in fact, that Milner bade a solemn farewell to the problem and resolved "to have no further dealings with political religionists."[25] When the scene shifted, as it did this same year (1808), to London, with the creation of the Catholic Board, Milner again appeared on the scene, as one of the subscribers to that body, although the prime mover in the new movement was his enemy, Charles Butler, the leader of the English Catholic Vetoists. In February, 1810, the Catholic Board passed the famous Fifth Resolution, which Milner, alone among the English Vicars-Apostolic, refused to sign. The Resolution ran as follows:

> That the English Roman Catholics in soliciting the attention of Parliament to their petition, are actuated not more by a sense of the hardships and disabilities under which they labour, than by a desire to secure, on the most solid foundation, the peace and harmony of the British Empire; and to obtain for themselves opportunities of manifesting by the most active exertions their zeal and interest in the common cause in which their country is engaged, for maintenance of its freedom and independence; and that they are firmly persuaded that adequate provision for the maintenance of the civil and religious establishments of this kingdom may be made consistently with the strictest adherence on their part to the tenets and dis-

[24]Cf. Ward, *Eve etc.*, vol. I, p. 79.
[25]Milner, *Elucidation of the Veto*, p. 9.

cipline of the Roman Catholic religion; and that any arrangement on the basis of mutual satisfaction and security, and extending to them the full enjoyment of the civil constitution of their country will meet with their grateful concurrence.[26]

The Fifth Resolution cleared the fog which had gathered since 1808. From its acceptance in 1810 by the English Vicars-Apostolic, the factional lines were more clearly drawn. It separated uncompromisingly the Irish hierarchy from their brethren in England. It brought to light the fundamental difference of opinion between the Catholic aristocracy and landed gentry in both Ireland and England and the mass of the Catholic laity. The lines in the Catholic ranks were now in battle array, and during the next five years, the Veto Question was fought out in the open, in the pulpit and in the press, and with a flood of pamphlets from both sides.

Although the solemn declaration of the Irish hierarchy (September 14, 1808) "ought to have been sufficient to silence the clamor of the Vetoists, nevertheless they persevered in their system with as much confidence as if they themselves had been the regularly authorized guardians of Church discipline."[27] Efforts were made by the friends of the Government to have resolutions passed in favor of the Veto at any large concourse of people, but the measure was so strongly hated by the laity and parochial clergy that it was execrated on every possible occasion. During the intense period of the discussion on the Fifth Resolution in England (1810-1813), the Irish press rang with denunciations of the Veto, and this in spite of the fact that its chief opponents realized that it was not unorthodox in its contents.

To many of the Irish Catholics there was but one interpretation of the situation in 1810—they had been betrayed by their Catholic brethren of England. During the agitation in Ireland, on St. Patrick's Day, in 1810, in St. Mary's Cathedral, the Dominican, Father John Ryan, who was to come later to the Diocese of Philadelphia, denounced the English Catholics, Milner alone excepted, as a fallen Church, sold by its juridic leaders, and as succumbing to the treacherous bargain of the Veto.[28] Meetings were held in

[26]Cited from Ward, *Eve etc.*, vol. I, p. 113.
[27]Brenan, *op. cit.*, p. 594.
[28]Cf. Guilday, *Carroll etc.*, pp. 821-822; Ward, *Eve etc.*, vol. I, pp. 141-142, 155-156.

February and March, 1810, by the hierarchy and by the laity of Ireland, and the Resolution was again condemned. The failure of Grattan's Relief Bill in Parliament in 1810 saved the situation to this extent that the split between the Irish and the English hierarchy, between the Vetoistic and anti-Vetoistic laity of both countries, and especially between Milner, as the agent of the Irish bishops, and the other English Vicars-Apostolic, remained without any further widening.

The Catholic Church in the British Isles had now entered a critical period. The English Vicars-Apostolic, in their assembly at Durham, in August, 1811, issued a declaration of independence from the Irish hierarchy, and although an informal reply was made by the Irish bishops, on October 21, 1811, it was evident that something more was needed to reconcile the two hierarchies. Bishop Moylan of Cork, with his coadjutor, Dr. Florence McCarthy, came to Bath, in the summer of 1812, for the purpose of taking the waters there, and they determined to make use of their presence in England to effect this reconciliation. They visited several of the English Vicars-Apostolic, and finding them willing but little hopeful of peace, Bishop Moylan invited them to visit him in Durham, on August 21-23, 1812, but the attempt at a mutual understanding failed. The situation remained the same until February, 1813, when Canning opened anew the campaign for Emancipation, but with such conditional clauses attached to the Bill that the opposition of the Irish bishops was a foregone conclusion. The failure of Canning's Bill was accredited to Milner, and on May 29, 1813, the Irish bishops sent a resolution of thanks to their "vigilant, incorruptible agent, the powerful and unwearied champion of the Catholic religion." At an aggregate meeting in Dublin, June 15, 1813, Daniel O'Connell also praised Milner for his success.[29]

Instead of silencing the Vetoist party, the defeat of the Bill of 1813 encouraged them to change the scene of their efforts from London to Rome. It was at this time that Father John England

[29]At the Cork Catholic Meeting (August 30, 1813), when the Veto controversy had reached an intense stage of agitation, Daniel O'Connell told his audience that in the committee of three they were about to name, "let Rev. Mr. England be a third; he is too sincere, upon a good cause, to deny his aid". (Cf. John O'Connell, *Select Speeches of Daniel O'Connell*, vol. I, p. 309. Dublin, s.d.)

accepted the trusteeship of the Cork *Mercantile Chronicle,* for the purpose of carrying the fight into the camp of the Vetoists. No copies of the *Chronicle* could be found in any of the libraries in Ireland. The series in the National Library at Dublin was complete, except for those years when England was responsible for the paper. To be at the head of a leading Irish newspaper was equivalent in those days to national prominence, and Dr. England's years as chief of the Cork journal brought him out before the nation not only as an uncompromising opponent of the Veto, but also as a fearless defender of Irish rights and Irish justice. Read says that "to him, under God, him only, though aided by many master minds whom courage rallied around him, in that crisis of his country's destiny, is due the glory of the first impulse to that system of peacable agitation, that has eventuated in the emancipation of the Catholics of the British Empire."[30]

Dr. Moylan supported the young priest in his project. In all the unfortunate disputes between the Irish and English bishops, Moylan had essayed the role of the peacemaker. He was never definitely allied to the Veto project after 1808, but in a characteristic conciliatory spirit, might easily have yielded to Government pressure, with Emancipation as the reward for this concession. That he did not forbid John England to take upon himself the dangerous charge of guiding an anti-Government newspaper speaks highly of his broad-minded attitude on the question. But in denouncing the Veto after 1808, Dr. England was in the company of his own bishop and of all the bishops of Ireland. John England found his new work no bed of roses. "Surrounded by spies and informers, prepared to wrest the slightest indiscretion to the purpose of tyranny that found its willing agents in venal courts and perjured juries, it is rather wonderful that he should have escaped destruction than that he sometimes fell under the vindictive grasp of the law."[31]

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[30] *Works* (Reynolds), vol. I, p. 8.

[31] Brenan, *op. cit.,* p. 594. The following announcement appeared in a Dublin newspaper in August, 1813: "Mr. Serjeant Johnson and a special jury were occupied the entire of Tuesday in trying an action brought by the Rev. Mr. Freeman Crofts, Clergyman of the Established Church, against Rev. Mr. England, a Roman Catholic Clergyman, proprietor of the Cork *Mercantile Chronicle* for a libel contained in that paper of the 1st of April last. The

In another chapter some of the principal incidents of his proprietorship of the *Chronicle* are discussed. A further episode apropos of the Veto controversy occurred in August, 1813. An attempt was made at the time, in the city of Cork, by some agents and expectants of the British Government to prevail upon an aggregate meeting of upwards of ten thousand Catholics to adopt the principles of blind obedience and non-resistance.

> Amongst others [Bishop England wrote ten years later in the *Miscellany*], I was one of the successful opponents to the measure. Mr. O'Connell, and a few others, and I, exerted ourselves and defeated the union of government agents and aristocrats, who combined against the people. Nor were the people ungrateful. I can still exhibit the address with which I was presented by them, and the chalice with which it was accompanied by the Roman Catholics, when a large and most respectable deputation of my fellow-citizens, appointed at a meeting of "the friends of civil and religious liberty", did me the honour of waiting upon me at the seminary, which I then governed, to thank me. I shall not load my letter with the address, but I give you the inscription of the chalice—*Rev. Johanni England, donum Civium Catholicorum, indefessum ejus erga Patriam fortunatumque laborem admirantium. Corcagae, Augusti die 30ma, 1813.* When I was leaving Ireland, I received, in my own parish in Bandon, from the friends of civil and religious liberty, a public dinner, the president of which was a Presbyterian, and one of the vice-presidents a Protestant of the Church of England, and several of the gentlemen who attended were of other persuasions. They kindly added a valuable piece of plate, with a suitable inscription, as a testimony of their regard for me, not so much as a clergyman, but as a friend to my country.[32]

The influence of the *Chronicle* was made manifest at an election for Parliament from Cork. Read, who heard the story from Bishop England, relates it as follows:—

> Two wealthy and influential Tories, both malignant Orangemen, were in the field. As a vast number of the constituency were tenants of one or other of these candidates, or of their connections and friends, it was judged inexpedient, by the patriots, to expose them to the furious persecutions that would

Jury, after a short consultation, returned a verdict in the evening at five o'clock of £200 damages and costs."

[32] *Works* (Reynolds), vol. V, p. 148. (The chalice mentioned is in the possession of the Sisters of Mercy, of Charleston, South Carolina.)

follow the election of two liberals; but they determined to run in one, and invited Dr. England to assume the post of chairman in the conduct of the contest. After maturely weighing the difficulty and delicacy of such a step, he declared that the exigency warranted a departure from the customary clerical reserve on such occasions; and accepted the responsible trust, on the express condition that his powers were to be dictatorial, and that the host of advisers, who are generally busy in such affairs, should be kept aloof. Having gained this concession to his known integrity and prudence, he immediately organized a large body of voters, pledged to vote as he would direct them, and on whose firmness, sobriety, and discretion he could rely, and posted them on the day of the election at a convenient place, under the strictest injunctions to hold no intercourse with any person but himself. He then sent for the Tory agents, and told them he was aware that many of his friends were willing to vote for one or the other of their respective principals, but apprehended some interference with their right to vote for the Liberal candidate; "and, now, gentlemen", he said, "I warn you! I shall have you and your friends narrowly watched, and every instance of intimidation, or even attempt at it, on either side, I will punish by instantly voting ten men for your Tory adversary." To a determination "to ask nothing that was not right, and submit to nothing which was wrong", they could not openly object; and the polling commenced. Very soon a Catholic voter was threatened by his landlord, and the case was reported to the chairman. The agent went all but on his knees to explain and apologize. Mr. England was inexorable; and ten votes were forthwith deposited for the Liberal candidate's Tory rival. The result was natural. Men respect the rights of those whom they see able and willing to maintain them; and thenceforth the election went on without a cause for complaint. When now the Liberal was so far ahead that his defeat was morally impossible, Mr. England again called up the Tory agents, and telling them, in his merry way, that they had behaved themselves exceedingly well, since they could not help it, observed that he had no particular quarrel with either of their patrons; and releasing his "*corps de reserve*" from their pledges, abdicated the chair, and left the Tories to electioneer among them as they pleased.[33]

The value of the *Chronicle* under England's proprietorship was enhanced when, in 1814, the supporters of the Veto succeeded in securing from the aged Vice-Prefect of Propaganda Fide, Monsig-

[33] *Works* (Reynolds), vol. I, p. 8.

nor John Baptist Quarantotti, the famous Rescript of February 16, 1814, which contained the statement that there was nothing opposed to Catholic doctrine in the Veto project. The Rescript contained no order or command, since Quarantotti had no jurisdiction to give any, but it was a victory for the English Catholic Board, which had successfully resisted the efforts of Milner and the Irish Bishops to suppress the Veto, and it set the anti-Vetoist party aflame with anger.

The "detestable Rescript" as the Bishop of Killaloe called it, aroused the Irish people to a veritable fury of indignation. Meetings were held in many of the cities of Ireland, and resolutions denouncing Quarantotti's action were passed in terms the most uncomplimentary to him and to those in Rome who advised him so to act. The clergy of the two principal cities, Dublin and Cork, held meetings of protest against the acceptance of the Rescript, and Dr. Moylan was obliged to assure his people of Cork that the Irish bishops would not sleep in the dangerous crisis which had arisen. It is easy for us now to see that the Rescript simply permitted the Catholics of Great Britain to accept Emancipation with the Veto, if they thought it prudent and advisable. But in those days, feeling ran so high that it was useless to preach calmness in the strife. In the pages of the *Chronicle*, Father John England lashed the Rescript as fiercely as the newspapers of Dublin, and it was soon apparent that only a solemn declaration by the Irish bishops would allay the storm of protest. They met, therefore, at Maynooth, on May 26-27, 1814, and with practical unanimity declared that the Rescript had no mandatory powers and need not be obeyed. The bishops dealt in a very dignified way with the famous Rescript. They acknowledged that the concession it contained was merely discretionary, and stated that the Vice-Prefect of Propaganda, in the Pope's absence, had no authority "to approve such a serious constitutional change in the mode of nominating bishops" in Ireland.[34]

At the height of the controversy, Cardinal Consalvi visited London on business in connection with the coming Congress of Vienna, bringing a letter from Pius VII to the Prince-Regent. Pius VII

[34]Cohalan, *op. cit.*, p. 645.

reminded Consalvi in a letter dated June 21, 1814: "You are the first Cardinal since the reign of Elizabeth to obtain permission to tread on the soil of Great Britain. This privilege has its obligations, and we must not shut our ears to the cry of the persecuted. There is no need to tell you what the Church expects of you."[35] A month previous Grattan had presented to the House of Commons a petition for Emancipation passed in one of the aggregate meetings of the city and county of Cork, at which John England acted as Secretary, and it was probably to ask Consalvi's help that Dr. Moylan went to London to visit him. It is significant that Consalvi and Moylan were the two honored prelates at a Solemn High Mass, at St. Patrick's, Soho Square, on July 6, 1814, in thanksgiving for the restoration of Pius VII to Rome.

The new complication in the Veto controversy had come from Rome: it was to Rome, therefore, that the question was now taken for definite settlement. Pius VII made his triumphal entry into the Eternal City on May 24, 1814, and on June 25, the Quarantotti Rescript was revoked. Bishop Milner and Archbishop Murray of Dublin reached Rome shortly afterwards; the first a few days after the Pope's entry, the second a few days after revocation of the Quarantotti Rescript. The Pope appointed a Commission to study the Veto Question, but before the work was finished, Napoleon had escaped from Elba (February 26, 1815) and Marat marched on Rome. Pius VII fled to Genoa.

Events now began to crowd the English Catholic stage. There were grave fears among the Irish Prelates that Cardinal Consalvi would prove too conciliatory to Castlereagh at the Congress of Vienna, which was to meet in September; and after the flight of the Pope and the papal court to Genoa, during the Hundred Days, it was believed that Consalvi, as Secretary of State, would support the English Veto. Those fears were somewhat verified, when the "Genoese Letter" of Cardinal Litta, Prefect of Propaganda Fide, was sent on April 26, 1815. Litta's letter was permissive and not mandatory,[36] but when its contents became known, about July, 1815,

[35]Cf. Ward, *Eve etc.*, vol. II, p. 93.

[36]Cardinal Litta rejected in his letter any consideration of the *placitum* over Papal documents being published in England, but granted a limited exclusive power to the British Crown in the selection of bishops to vacant Sees. This was in accord with Canon Law.

the triumph of Vetoism seemed secure. Father John England had good correspondents in Rome and other parts of Europe, and he kept the readers of the *Chronicle* well informed of the trend of affairs. On August 2, 1815, he printed the following dispatch from Rome in the *Chronicle:* "The Pope in Genoa consented to the Veto. Dr. Poynter was for it; Dr. Milner against it; but the number of English Catholics who came here last winter persuaded his holiness, so Dr. Poynter went contented from the Pope." That the representative of the Vicars-Apostolic of England, Bishop Poynter, the champion of the Veto, had succeeded at last where so many before him had failed, was accepted as an historic fact by the Irish clergy and people. As soon as the announcement appeared in the *Chronicle,* it was reprinted in other Irish newspapers, and, as a result, "the most unexampled ferment pervaded all classes of society."[37] The Irish Catholics concluded that the "Genoese Letter" had, as Brenan writes, decisively lodged in the hands of the Government "the destructive authority which they had so long and so fearfully dreaded. Accordingly the independent press teemed with productions against the hated measure . . . in the midst of this scene of uproar and universal confusion, the Catholic Bishops of Ireland assembled at Dublin in National Synod on the 23rd of August."[38] Dr. Moylan was absent from this meeting, having passed away on February 10, 1815. Bishop McCarthy, his coadjutor, England's lifelong friend, had died some time previous to this date. Bishop John Murphy, who succeeded to the See of Cork, on February 21, 1815, was one of the most uncompromising opponents among the Irish hierarchy of the Veto.[39] The decision of the Maynooth Synod against the acceptance of the permission as outlined in Litta's letter deserved, in Milner's eyes, "to be engraven in characters of gold on a national pillar, as a monument to the universe, that Ireland was still Catholic."[40] A deputation, composed of Dr. Murray, Coadjutor-Archbishop of Dublin, and Bishop Murphy of Cork, was directed to proceed immediatelv to Rome to lay the Irish remonstrance before the Holy See.

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[37]Brenan, *op. cit.,* p. 606.
[38]*Ibid.,* p. 607.
[39]Brady, *op. cit.,* vol. III, p. 98. Dr. Murphy had been appointed Titular Bishop of Indianapolis and coadjutor to Dr. Moylan *cum jure successionis.*
[40]Brenan, *op. cit.,* p. 609.

There occurred at this phase of the controversy an event which has an intimate relationship with the Catholic history of the United States: the aggregate meeting of the Catholics of Ireland, held in Dublin, on August 29, 1815. The temper of this great meeting may be seen in a paragraph from O'Connell's unrestrained speech. He declared his unflinching opposition to the Veto and threw the blame of the "Genoese Letter" on Consalvi and the English bishops. The following is the curious paragraph in question:

> Consalvi, the Italian, either betrayed or sold our Church to the British minister at Vienna; indeed the exact amount of his price is stated to be eleven thousand guineas. Though a Cardinal, this man is not a priest. He is a secular Cardinal, just fit for any bargain and sale; right glad, I presume, to have so good a thing to sell as the religion of Ireland. Quarantotti—the odious, the stupid Quarantotti—and Cardinal Litta and the Pope himself are all, of course, foreigners. . . . Indeed the English Catholic Bishops are proverbial for their vacillation. At a former period of their history they changed their religion no less than four times in the short space of thirty-six years. Hence the proverb so common in Ireland, "You may trust an English Bishop as far only as you could throw him"; and the Catholic Bishops of England at this day fully justify the saying. The only scholar amongst them is Dr. Milner; and he appears arrived at dotage. The rest of them by their servility, their pliability, their eagerness to conciliate the favour of their lay patrons and their anxieties for pensions from Government have become the ridicule of the country. The Protestants laugh at them; the Quakers shrug at them; the Methodists sneer with secret joy at them; and we Irish, whilst we reverence their office, hold their conduct in unqualified abhorrence. . . . We have shown how powerless the Pope is to alter, without the assent of our Bishops, the discipline of the Church. . . . I know of no foreign prince whom, in temporal matters, the Catholics of Ireland would more decidedly resist than the Pope.[41]

A unanimous resolution was passed at this meeting to the effect that a delegation from the laity should proceed to Rome, and Sir Thomas Esmonde, Owen O'Connor, and the Franciscan, Father

[41]Cited from Ward, *Eve etc.*, vol. II, pp. 146-148. O'Connell's attack should be viewed in the light of his action after 1820, when he was studying with some Dublin priests a Veto scheme which would not differ materially from the Resolution of 1799.

Richard Hayes, were appointed as members of this committee.[42] Esmonde and O'Connor found it inconvenient to go at the time, and Father Hayes accepted the task and went alone, arriving in Rome two days after the two bishops (October 22, 1815).

Richard Hayes was a contemporary of John England. He was born in Waterford, January 20, 1788. At the age of fourteen he went to Rome, and entered the Franciscan College of St. Isidore. In a few years he acquired an intimate knowledge of Latin, Greek and Hebrew, and became noted for his general scholarship. He was ordained about the same time as John England, in 1808, and, in 1811, he returned to Ireland, where he taught the classics in a Catholic college of Wexford. In 1814, he was transferred to the Franciscan Convent of Cork, where a close friendship between England and himself arose. Neither of the two priests ever suspected in those days that they were both to be considered for the same See—Hayes to be nominated by the Jansenist group at Charleston as their first independent bishop, and England to be sent by the Holy See as Charleston's spiritual ruler with the mandate to win over the schismatics to orthodox ecclesiastical discipline. Father Hayes was in Cork, when the letter from Hay, "Secretary to the Catholics of Ireland," inviting him to go to Rome as their representative, reached him. "The invitation, although flattering, was evidently the forerunner of a difficult and perilous task; nevertheless, Father Hayes responded to the call of his country, and arrived in Dublin, two days after he had received the resolutions from the secretary of the association."[43] While in Cork, Father Hayes had found a guide in John England, who was responsible in a large measure for the aggregate meeting held in Cork, on March 7, 1815.

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[42]"Resolved, that a Deputation, consisting of Sir Thomas Esmonde, Bart., and Owen O'Conor, Esq., with the Rev. Richard Hayes as their Secretary, be requested to present to his Holiness the Pope a remonstrance on the part of the Catholic Laity, stating an entire concurrence with our venerable and revered Prelates, in perpetual and unremitting opposition to any measure which would directly or indirectly authorize the Crown, or the Servants of the Crown, to interfere with the appointment of our Bishops and praying His Holiness not to countenance, directly or indirectly, the plans of the bitter and unrelenting enemies of our Religion. Resolved, That the individuals who compose the Catholic Association, be requested to prepare such remonstrance."

From an original copy in the Franciscan Archives, Merchant's Quay, Dublin (not indexed).

[43]Brenan, *op. cit.*, p. 609.

The Resolution passed at this assembly is typical of the language used at the time:

> *Resolved:* That having witnessed with regret a late attempt to traduce and villify the character of the Clergy and laity of Ireland, to malign and misrepresent their motives, and thereby to paralyze their future exertions, we feel ourselves imperiously called on to renew to our Zealous and Patriotic Clergy throughout the land our warmest expressions of gratitude for their timely and seasonable condemnation of the abominable Rescript of Signor Quarantotti, and to declare that no influence or intimidation shall ever induce us to relinquish our inalienable Right of opposing Vetoistical arrangements, whenever or wherever they shall be brought forward.[44]

Among Hayes's correspondents, during his stay in Rome, was Father John England, who furnished him regularly with copies of resolutions passed during these two frantic years in Ireland against the Veto. The subsequent career of Father Hayes, from this time to the date of the offer, made by the Charleston schismatics, that he go to Utrecht to be consecrated first Independent Catholic Bishop of the United States (January 4, 1819), belongs to a later chapter.

The Veto controversy was settled by a letter to the Irish bishops, to the date of the offer, made by the Charleston schismatics, that he preferred that there should be no Veto; but, in the course of time, he said, concessions had been made to civil governments in things that were non-essential to the Catholic religion. He recalled to their memory the fact that the British Government had been largely instrumental in securing his return to the pontifical Chair and his restoration to independence. This was the end of the Veto controversy from the canonical standpoint. The question itself, however, lingered on and received a new impetus in the days when Daniel O'Connell began the last and successful fight for Catholic Emancipation. That measure came in 1829, without any Veto.

By the time this final stage in Vetoism began, Dr. England had been consecrated first Bishop of Charleston, and thereafter the question took on an academic interest to him as editor of the *Catholic Miscellany*. The documentary evidence for his prominence in the great fight is indeed scanty, but the tradition remains that his influ-

[44]MS. in Franciscan Archives, Merchant's Quay, Dublin (not indexed).

ence in Ireland was second only to that of Daniel O'Connell, the Liberator. One letter of this period is extant in the Stonyhurst Archives—written by Father England to Father John Weld, S. J., the Rector of Stonyhurst College. Dr. England had published a spirited defense of the Society of Jesus in the *Chronicle* and in reply to a letter from Father Weld, wrote (October 29, 1815):[45]

Revd. & Dr Sir.

I was favoured with your welcome letter of yesterday and feel happy that any efforts of mine should be considered to tend in the least degree to the benefit or satisfaction of your Society. But the happiness of their occasioning what I shall call an introduction to you amply repays me. Sir, you have many malignant enemies and whether it is in contemplation to strike a blow at you specially in the deadly and vengeful effort of the Cabinet in the next Session is more than we have as yet sufficient grounds to know with any certainty. But, Sir, the signs of the times generally prognosticate political as well as national occurrences, and as the forerunner of an attack upon anybody or system is nauseous vomiting of abusive slaver from the hireling press. The paper which has endeavoured in a villainous manner to misrepresent your body is the mouthpiece of the faction which is placed at the head of this country and Mr. Peel has a jealous eye upon my former acquaintance, Mr. Kenny. It may be, however, that to keep up the delusive mist which the magic of British misrepresentation has raised around the holy father, they may, in order to please him, as he has felt too lively and praiseworthy a solicitude for your reestablishment, do nothing immediately until they shall have secured benefits to themselves by those calamitous arrangements in the obtaining of which I fear they have been but too successful. But, Sir, in this country they can do but little with the public unless they succeed in vilifying and making obnoxious or ridiculous those to whom they feel enmity, and I was only induced to undertake the defense of your calumniated Society that whilst I had the conducting of a public press I should not betray my duty and my conscience by silently acquiescing in the calumny. You will be the less surprised at the part which I have taken when you know that I have the honour of being marked with the same *character* as your own, and have in addition to my heavy ministerial duties undertaken those of an

[45] *Stonyhurst Archives*, copied for me by Rev. John H. Pollen, S. J. It is interesting to note that, when the Act of Emancipation was passed in 1829, one of the restrictive clauses was aimed against the presence of the Jesuits in England (cf. Ward, *Eve etc.*, vol. III, pp. 257-259).

editor merely to support one paper which in this place could be a vehicle for Catholic sentiments. I have ordered some copies of Dallas, and shall endeavour to have them circulated. I have sent you the papers in continuation and you must attribute the imperfection of my defense to the want of knowledge, not to the want of zeal, and though my heart is warmly Catholic, my pen must feel much restraint and my writings assume in some degree a sectarian character. In haste believe me sincerely yours.

JOHN ENGLAND.

St. Mary's College, Cork.

The supreme result of his participation in the Veto Question was that he came to America in 1820, better equipped with an accurate knowledge of the condition of affairs, political and ecclesiastical, in Ireland and in Europe than any of his contemporaries in the United States. The men with whom he had been brought into contact were among the greatest intellectual leaders Ireland has ever seen. Their profound theological learning, their hold upon the canonical teaching of the Church, their unflinching stand in matters of religion and, above all, their love of liberty and determined attitude towards emancipation from British overlordship—these he imbibed to such a degree that there were blended in his mind and heart all those qualities of churchman and of citizen which rendered him the pride of his co-religionists in the United States.

Two remarkable proofs are given in his correspondence, of his popularity in Ireland at the time he was sent to preside over the Church in the Southland of the new Republic. When he was leaving Ireland, as we have seen, he received, in the parish of Bandon, from the friends of civil and religious liberty, a public dinner, the presiding officer of which was a Presbyterian. After his consecration, a banquet was given in his honor in the City of Cork, and to this "public entertainment" there came "some of the richest and most independent and public-spirited members of other religious denominations." After he had reached Charleston, he was made the subject of an enthusiastic resolution at the aggregate meeting held in Cork, on April 2, 1821, and the following letter was sent to him in honor of the occasion:

My Dear Lord:—As chairman of a most numerous and respectable aggregate meeting of the Roman Catholics of the county and city of Cork, held at Carey's Lane Chapel, in this

city, on Monday the 2nd instant, I have the honour of transmitting the subjoined copy of a resolution, adopted by the meeting unanimously, and with a degree of enthusiastic acclamation which it would be difficult, if not impossible, to convey any idea by words. With the feelings of Irishmen, your Lordship, I am persuaded, is already well acquainted; and never were those feelings more warmly and unequivocably exhibited than in the manner in which your name, and this well-earned tribute to your past exertions in favour of Ireland, were received upon that occasion. Counsellor O'Connell, who proposed this resolution, prefaced it by a glowing and beautiful panegyric on your lordship's public and private character, and your patriotic exertions in the cause of civil and religious liberty, which was among the happiest efforts of his powerful eloquence, and was alike honourable to his head and heart. I regret my utter inability to do justice either to Mr. O'Connell's speech, or to the feelings of the meeting at which I had the honour to preside; but I cannot conceal the sincere and heartfelt pleasure I experience in being selected as the organ of making this communication; and I trust your Lordship will do me the justice to believe, that in unabated admiration of your powerful exertions in favour of your native country whilst residing on this side of the Atlantic, and in fervent wishes that success may attend your future labours in the cause of religion and humanity in the free and fortunate land of your adoption, no individual at the meeting participated more warmly and sincerely than, my lord, your lordship's devoted and very sincere and obedient servant,

THOS. STEPHEN COPPINGER.

The following is a copy of the resolution:

That the chairman be requested to convey, in the warmest manner, to the Rt. Rev. Dr. England, our unabated admiration of his patriotic and powerful exertions in favour of Ireland whilst among us, and our fervent prayer for the success of his endeavours in the cause of religion and humanity in the free country where he now resides.[46]

One echo of these Veto days was heard in 1828. The struggle for Irish freedom through Catholic Emancipation was then at its most critical period, and Fitzpatrick, in his *Life, Times, and Correspondence of the Right Rev. Dr. Doyle*, says that Stephen Coppinger, whose letter we have cited above and who was then Secretary of the Catholic Association, had told him "that he had been himself

[46] *Works* (Reynolds), vol. V, p. 149.

assured by Dr. England, Bishop of Charleston, South Carolina, that he had personally organized in 1828, a force of 40,000 men, which, headed by General Montgomery, the son of an Irish refugee, was designed for the invasion of Ireland had emancipation continued to be withheld." Mr. Coppinger added that Mr. Wyse, the historian of the Catholic Association, was aware of the fact, and made an indirect allusion to it in his work; and further, that the Duke of Wellington was in full possession of Bishop England's scheme. "This is a very important historical fact," observed Mr. Coppinger, "and by no means generally known. Even O'Connell himself knew very little about it." Reverting to Dr. England, Mr. Coppinger said:

> He had been editor of an influential Cork paper, and conducted it with great patriotic spirit and ability. The hierarchy rather feared his influence and views, which were decidedly democratic, and a memorial, signed by nearly all the bishops in Ireland, was sent to Rome praying his Holiness to appoint him to some vacant foreign See. Some of the episcopal body seemed to fear that on the death of the Bishop of Cork or of Cloyne, Dr. England might be elected to the dignity, and, whether truly or falsely, he was suspected to have been tinged with revolutionary principles. Dr. Coppinger, the venerable patriot prelate of Cloyne, entertained a great regard for Dr. England, as well as a hearty appreciation of his talents, and refused to sign the memorial to Rome. This fact was communicated to me by Dr. Coppinger himself.[47]

The politico-religious school of the Veto and anti-Veto controversy developed John England's character better than anything else for the great field of labor that lay across the Atlantic. To know this background of John England's life is a key to all that follows.

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[47]Vol. II, p. 5.

CHAPTER V

The Catholic Church in the Southland

Originally, the Diocese of Charleston comprised the three States of North Carolina, South Carolina, and Georgia. No division of the diocese occurred during Bishop England's episcopate (1820-42), and for convenience' sake we include these three territorial sections of his spiritual jurisdiction under the general term of the *Southland.*

To appreciate the problems that confronted the first Bishop of Charleston in 1820, a general survey of the Catholic history of his diocese up to that time should be given. This survey should include: a retrospect from the earliest settlement of the Carolinas and Georgia to the year of Archbishop Carroll's death (1815); the origin and development of the schism which threatened the Southland under the jurisdiction of Archbishop Neale (1815-17); the effort of Archbishop Maréchal to control the insubordinate groups in the chief cities of the future Diocese of Charleston; and finally, Dr. England's initial reconstruction of the shattered discipline of the Church in that territory.

In this chapter an attempt is made to bring together and to put into orderly sequence from the fragmentary sources at our disposal the scattered historical facts which belong to the period prior to Dr. Carroll's death (1815).

I. North Carolina.—When Bishop England penned his *Memoirs of the American Church* (March, 1824), he could find no trace of Catholics in North Carolina before 1798.[1] The barren spiritual

[1]In the *Miscellany,* vol. II (1824), pp. 146-148, 162-164. "The facts representing the Roman Catholic Church are very few, and apparently unimportant. Yet there is one individual whose memory ought to be preserved and cherished by the Catholics of future generations in that town [*Newbern*], and indeed in other parts of the State. Her piety, her intelligence, and her attachment to the principles and the practice of her religion, under circumstances peculiarly trying, have been worthy of the best days of Christianity. The lady whom we thus mention with respect, was Mrs. Gaston, mother to the Hon. Wm. Gaston, of Newbern, and to Mrs. Taylor, the consort of the eminent and learned Chief Justice of the Supreme Court of North-Carolina" (*Ibid.,* p. 162). Dr. England apparently did not know at this time of the petition addressed to the Archbishop of Baltimore, on November 8, 1818, by Judge Gaston and seventeen

condition which Dr. England discovered at the time of his first Visitation of the State of North Carolina (May, 1821), recalls the fact that in his *Report* to Propaganda in 1785, Bishop Carroll makes no mention of the States south of Virginia. That this is not an oversight is evident from the data he gives for the territory west of the Carolinas and Georgia to the Mississippi River. Unless historical proof to the contrary is found, it may safely be assumed that there is no evidence of the presence of a single active Catholic in North Carolina until after the Revolution.

When "Virginia" was first settled, the "wide and empty territory stretching indefinitely towards the Spanish settlement of St. Augustine" was disputed between England and Spain.[2] Attempts at colonization had taken place in the Carolinas before the date of the Proprietary Government (1663), and in Georgia before the settlement of Savannah under Oglethorpe (1733). We cannot here enter into the discussion of the shadowy crypto-Catholicism of the Southland previous to the American Revolution; but there is an interesting series of facts in the early history of the Carolinas which merit a passing mention. There is, for example, the problem of the Catholic motives which may have been present in the enterprise of Gilbert, Raleigh and others, between 1574 and 1591, to plant a colony in what is now the northern part of the Carolinas, particularly at Roanoke Island. Two Catholic recusants, well-known to the Queen, Sir Thomas Gerard and Sir George Peckham, were partners in Gilbert's project of 1583, and later in that of his half-brother Raleigh, in 1584. There is strong supposition that the law against Catholics leaving the realm was suspended in practice for this latter enterprise; and it is quite likely that a number of the first Carolina colonists were of the household of the Faith. Elizabeth took a particular interest in the Carolina project, having given to the territory the name of Virginia in honor of her own unwedded state. The fate which befell the colonists of 1584 and 1585 in what is now North Carolina does not seem to have dampened the enthusiasm of the projectors. "The defeat of the Invincible

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other Catholics, asking for the services of a priest (cf. *Researches*, vol. XXV, p. 27). For Mrs. Gaston's career, cf. Ellet, *Women of the American Revolution.*

[2]Andrews, *Colonial Self-Government (1652-1689)*, pp. 129-130. New York, 1904.

Armada", Fiske writes, "was the opening event in the history of the United States. It was the event that made all the rest possible. Without it the attempts at Jamestown and Plymouth could hardly have had more success than the attempt at Roanoke Island."[3]

Sir George Peckham's *True Report* (London, 1585), and Hariot's *Brief and True Report* (London, 1588),[4] kept up interest in the Raleigh project, and it may not be inaccurate to see in the Winslade expedition of 1605 a continuation of Peckham's original plan of founding in the New World a refuge for the persecuted Catholics of England. Winslade's plan was to gather together all the English Catholic refugees then on the Continent and to induce the Catholic powers to finance an expedition to America. The plan was broached to the celebrated Jesuit, Robert Persons, then Rector of the English College in Rome, and the origin of the plan, as Father Thomas Hughes, S.J., has said, was the utter disappointment of all hopes entertained by the distressed Catholic body when Elizabeth died. These hopes had been dashed to the ground by the conduct of her successor, James I. Father Persons disapproved the project (March 18, 1605) in a letter entitled: *My judgment about transferring English Catholiques to the Northen partes of America for Inhabitinge those partes and convertinge those Barbarous peoples to Christianitie.*[5] The expedition sailed (before Persons' opinion had reached London), under the charge of Captain Weymouth. The leaders of the project were Henry Wriothesley, second Earl of Southampton, who belonged to a Catholic family, and Lord Arundell of Wardour, a staunch Catholic.[6] Rosier's *True Relation* of the voyage is couched in such language that its religious

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[3]Fiske, *Old Virginia and Her Neighbours*, vol. I, p. 46. Cambridge, 1900. Cf. Tyler, *Narratives of Early Virginia (1606-1625)*, p. 17 note. New York, 1907. Some historians hold that the colony at Roanoke was not wholly destroyed, and that descendants of some of these settlers are yet to be found in North Carolina. Cf. Weeks, *The Lost Colony of Roanoke, Its Fate and Survival*, in the *Papers* of the American Historical Association, vol. V, pp. 441-480; Winsor, *Narr. Crit. Hist. Amer.*, vol. IV, pp. 285-406.

[4]Hakluyt, vol. VIII.

[5]In Hughes, *op. cit.*, Doc., vol. I, pt. I, pp. 2-5. Hughes has told the story of the English Catholic refugee movement towards America in his *History etc.*, Text, vol. I, pp. 146-155.

[6]Cf. Shea, *op. cit.*, vol. I, pp. 19-28, where references will be found. Browne, *Genesis etc.*, vol. I, pp. 1-28, gives the sources of these episodes. Cf. Gillow, *Bibliographical Dictionary etc.*, vol. II, p. 435; vol. V, p. 235.

purpose can hardly be denied.[7] The idea of a Catholic sanctuary in American did not die out, especially as the persecution which followed the Gunpowder Plot rendered relief to the English Catholics all the more doubtful. The two grants—that of Maryland to one Catholic, Sir George Calvert, Lord Baltimore, in 1632, and that of New Albion (New Jersey) to another Catholic, Sir Edmund Plowden, in 1632—are examples of the English Catholic refugee movements of the day.[8]

From the time of the grant of the Carolinas in 1629 to Sir Robert Heath until the foundation of the Carolina Palatinate under the eight proprietors in 1663, there is little of historical interest to the Catholic chronicler.[9] The fundamental Constitutions for the new Palatinate, attributed to John Locke, contain a certain interest, however, since the Grand Model contained the idea of complete religious freedom; any seven persons agreeing in any religion having the right to constitute a church. "An ideal so noble as this", writes Fiske, "was never quite realized in the history of any of the colonies; but there can be little doubt that the publication of Locke's *Fundamental Constitutions* in 1670, in 1682, and in 1698,

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[7] *A True Relation of a most prosperous voyage made this present yeere, 1605, By Captaine George Weymouth in the discovery of the land of Virginia: Where he discovered 60 miles up a most excellent River, together with a most fertile land. Written by James Rosier, a Gentleman employed on the voyage.* Lond., 1605, pp. 34. "The pious tone of Rosier's narrative would lead one to suppose him a clergyman: policy would require adapting the tone of his remarks to Protestant ears. If he were the Protestant minister sent by Southampton, he would have no motive for concealing his character and not speaking openly, and he would not ignore the Earl of Southampton and refer only to Lord Arundell, as Rosier does: while if he were the priest sent by the Catholic nobleman, it would be natural. He begins his Preface: 'Being employed in this voyage by the Right Honorable Thomas Arundell, Baron of Warder, to take due notice and make true report of the discovery therein performed.' He collected an Indian vocabulary of 400 or 500 words, of which a part is given in Purchas, vol. IV, pp. 1659-1667. He concludes the Preface: 'So with my prayers to God for the conversion of so ingenious and well disposed a people, I rest your friend J. R.'" Shea, *op. cit.*, vol. I, p. 25. A thorough search of all available sources, especially the publications of the Catholic Record Society (London), failed to reveal the identity of Rosier. Cf. also McSweeney, *Judge William Gaston of North Carolina*, in the *Hist. Rec. and Studies*, vol. XVII (1926), pp. 172-3.

[8] Smith, *History of New Jersey*. Phila., 1765. Photostat copies of all documents concerning the Plowden Grant are in the writer's possession. Beauchamp Plantagenet's *Description of the Province of New Albion* (1648) is represented in Force's *Tracts*, vol. II, No. 7.

[9] Doyle, *English in America*, vol. I, p. 329. Boston, 1892.

had considerable influence in directing toward Carolina the stream of Huguenot emigration from France, which was an event of the first importance."[10] By the end of the century the chief communities in Carolina were: Albemarle, on the Virginia border (1664); Clarendon, on the Cape Fear River (1663), and the Ashley River colony, near the present city of Charleston (1670). The Grand Model was too elaborate to be successful; but the religious equality clause was a source of attraction to those who were being persecuted in Europe for their faith, and this attraction was held out to prospective colonists.[11] How far Catholics from the British Isles were permitted to enjoy this liberty of conscience remains an unsolved question.[12]

By the year 1690, the terms North and South Carolina were beginning to be used, although a formal separation did not take place until 1729. Fiske has given us several graphic pages on the social and intellectual conditions prevailing at the beginning of the eighteenth century in what is now North and South Carolina. If his sources have been rightly interpreted, it is not difficult to trace two distinct viewpoints on religious equality in the two sections. North Carolina was largely peopled with non-conformists, many of whom, while being generally indifferent to religion, still held to their ancestral antipathy to Catholicism. South Carolina was settled by those who adhered to the Church of England. Up to 1729 the religious history of the Palatinate is a series of attempts to establish the Church of England, and to disfranchise all dissenters. After 1729, religious data for North Carolina are meager, though there are many Catholic names among the Irish immigrants who came to the province between that time and the American Revolution.[13] How many Catholics there were among the expatriated Highlanders, who came out to North Carolina after

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[10]*Op. cit.*, vol. II, p. 253.

[11]Channing, *History of the United States*, vol II, pp. 342-343. New York, 1909.

[12]Cf. Cobb, *Rise of Religious Liberty etc.*, p. 122. New York, 1902. As an example of the contemporary knowledge of the American colonies, cf. Steele, *An Account of the State of the Roman Catholick Religion throughout the World* (London, 1716), a translation of Urbano Ceri's Report to Pope Innocent XI. (Photostat of this remarkable document in my possession. Cf. *Cath. Hist. Rev.*, vol. I, pp. 478-480.)

[13]Ashe, *History of North Carolina*, vol. I, pp. 245-254. Greensboro, 1908.

Culloden, we do not know.[14] Fayetteville and Wilmington, the Cumberland region and Cape Fear received many of these persecuted followers of Charles Edward, and the immigration once begun lasted until the Revolution. No doubt some Catholic settlers came from St. Kitts, Barbadoes, and others of the West Indian groups of islands.[15] Newbern, the home of Judge William Gaston, in Dr. England's day was a centre of refinement and elegance.[16] It was here the Governor resided, and the little town was free from the coarse and rigid Puritanism of other communities in the Province.

There was no official toleration of Catholicism in any part of the Province until after the Revolution.

The Constitution of North Carolina, 1776 (Section XXXII), proclaimed that: "No person who shall deny . . . the truth of the Protestant Religion, . . . shall be capable of holding any Office or Place of Trust or Profit in the civil Department within this State." At the same time, however, it was declared that: "All men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences." These two clauses did not nullify each other. Since there was no established religion in the State, in practice Catholics were not altogether excluded from holding office.[17]

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[14]Cf. article *Scotland* (Hunter-Blair) in the *Catholic Encyclopedia*, vol. XIII, p. 621; Ashe, *op. cit.*, vol. I, p. 266.

[15]Cf. Ramsay, *History of South Carolina (1670-1808)*. Charleston, 1809. Cf. *Records* (ACHS), vol. XXII, pp. 84, 97-98, 100; vol. XXIV, pp. 272-276.

[16]Cf. Vaas, *Sketch of the Early Days in New Bern*, Richmond, 1866; Havens, *The New Bern and Pamlico Sections of North Carolina*. New Bern, 1886.

[17]I am informed (May 23, 1924) by Professor R. D. W. Connor, of the University of North Carolina, that the XXXII Article was always regarded in North Carolina as a dead letter. Dr. Connor gives the following facts: "In 1784 a resolution was introduced into the General assembly to expel one Philip Alston, a member of the Assembly, on several grounds, among them being that he was under indictment for murder, that his election was founded on fraud, and also that he was an atheist and had frequently been heard to say that there was no God, and that the Scriptures were set forth as a scare-crow to children. He was expelled, but the Journal of the General Assembly does not indicate how much force the House gave to the charge of atheism, *i.e.*, to the 32nd Art. In 1809, Jacob Henry, a Jew, was elected a member of the General Assembly. A resolution was introduced to declare him ineligible under the XXXII Article. He delivered a very interesting address defending his right to a seat in the legislature, and the legislature declared him entitled to the seat. The point was made, however, and apparently accepted by the House, that a seat in the legislature was not an 'office or place of trust or profit,' and that eligibility to a seat in the general assembly was covered by other articles of the Constitution, so that the XXXII Article did not apply to an assemblyman." Judge

Dr. Thomas Burke, member of the first Provincial Congress, which met at Hillsboro, in August, 1775, to seek justice in the struggle then beginning, was known to be a Catholic, although he was one of the framers, if not the chief framer, of the North Carolina Constitution of 1776.[18] The Constitution contained a Test Oath, but it was probably ignored since it did not exclude Catholics from holding office.[19] Dr. Burke represented the State of North Carolina in the Continental Congress. The first Assembly established two new counties in the western part of North Carolina, naming one in honor of the First Governor, Caswell, and the other in honour of Dr. Burke, "a compliment never before paid to a private citizen", so high, says Ashe, was the popular regard for the talented Irishman.[20] In the Continental Congress, Dr. Burke had been particularly active and efficient. He was not re-elected in April, 1778.

But if Burke lost favor, he soon re-established himself in the affections of the North Carolinians. At the very time he was denied a re-election his action in Philadelphia was so patriotic

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Gaston's great speech before the Convention of 1835, which will be dealt with in another part of this work, can be found in *Papers of Thomas Ruffin*, vol. II, pp. 92-96.

[18]Cf. Ashe, *op. cit.*, p. 562. In her *History of Wake County*, Mrs. J. R. Chamberlain states that Dr. Burke was from Galway, Ireland. The Governor's Mansion in Raleigh is in what is known as Burke Square. The Rev. Wm. F. O'Brien, of Durham, N. C., writes to me (June 6, 1924): "Governor Burke is buried on his farm in Hillsboro, and his grave has no marker. He had one daughter, and she died unmarried several years ago. A member of the Legislature introduced a bill to have a monument put over his grave, but nothing further was heard of it." Professor Connor writes (May 23, 1924): "No definite evidence is in existence, so far as I know, of the religious faith of Dr. Thomas Burke, nor is there any hint in any of his papers of his religious affiliations. Tradition states that he was a Catholic, and it was so stated in the debates of 1835, when there were men still living who should have been informed definitely on this point, none of whom, so far as I know, denied the statement. There are still living elderly people in Hillsboro, N. C. (Burke's home), who knew intimately Burke's daughter, who assert that Burke was a Catholic. So that the evidence seems to be fairly reliable on this point. Nevertheless, as you state in your letter, he was elected governor in 1781, and in the Legislature which elected him were members of the Constitutional Convention which framed the Constitution of 1776." Cf. *Journal of the American Irish Historical Society*, vol. IV (1904), pp. 59, 74; Wheeler, *Historical Sketches of North Carolina (1584-1851)*, p. 74. De Courcy, *The Catholic Church in the United States*, p. 39 (New York, 1856, Shea's translation), says: "Down to January 1, 1836, to be an elector and eligible in the State of North Carolina, it was necessary to swear to a belief in the truth of the Protestant religion."

[19]Ashe, *op. cit.*, vol. I, p. 368.

[20]*Ibid.*, vol I, p. 589.

that he gained renewed favor. A majority of the Congress had drawn up a communication to General Washington which Dr. Burke thought contained an unmerited reflection on the general, and he combated it with great warmth, and with indignation retired from the chamber, his withdrawal breaking the quorum. On being sent for, he expressed himself so vehemently to the messenger that congress considered his action a contempt of that body. He explained that he did not understand that the congress had sent for him, and offered some apology. His explanations, however, did not satisfy the irate members, and then Burke manfully reasserted his position, caused the matter to be fully spread on the records, and claimed that he was responsible only to the legislature of North Carolina. The record of the proceedings being submitted to the next session of the Assembly, that body approved his course, and again elected him a delegate in Congress. For a time, however, he was retired, and when the articles of confederation were ratified on behalf of North Carolina, on July 21, 1778, they were signed by John Williams, John Penn, and Cornelius Harnett.[21]

Later Burke took his seat as one of the five deputies in the State Assembly (1778), and the interesting fact is recorded that the deputies directed the State Agent to pay for some seventy-three pieces of heavy cannon which had come in the ship *Sacred Heart of Jesus*.[22] Later Dr. Burke was instrumental in relieving the distress of the American troops and in satisfying the complaints of the people who were suffering from unnecessary exactions for their support. His fame increased, and at the next elections he was chosen Governor of the State.[23] On assuming his post (June 20, 1781), Governor Burke announced that he would act as commander-in-chief of the State forces. He went from point to point in the State, inspiring confidence by his presence and courage. It was during the invasion of North Carolina under Major Craig that Newbern was occupied by Tory troops (August, 1781). Among the patriots who sought to escape was a Catholic physician, Dr. Alexander Gaston, who was shot down by one of the Tories, as he was leaving with his wife and two children. His son became the most eminent jurist of North Carolina in his day, Judge William

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[21] *Ibid.*
[22] *Ibid.*, p. 563.
[23] *Ibid.*, p. 640.

Gaston.[24] Governor Burke was the very heart of the patriotic resistance of the State, and the Tory leaders realized that they would not succeed, unless he were captured. This was effected on September 12, 1781. The distinguished and valuable prisoner was kept in close custody, until after the defeat of Cornwallis at Yorktown (October 10, 1781), when he escaped, returned to North Carolina and resumed his administration until the end of his term (April, 1782).

How the Catholics of North Carolina succeeded in obtaining the ministration of Catholic priests is not known for the period prior to the establishment of the Republic. No doubt some of the travellers between the Southland and Europe and between the North Carolina seaports and the West Indies were priests, but no record has come down to us of their stay. Bishop England in his *Diurnal* (May 16, 1821), for Wilmington, North Carolina, says: "No priest had ever been fixed here, or in the neighbourhood. A Rev. Mr. Burke had spent a fortnight here 25 years ago (1796), and a Jesuit going to some Spanish settlement spent two or three days in the town about the year 1815."[25]

The Constitutional Convention which assembled at Philadelphia, in May, 1787, met one of its first serious obstacles in the sixth article, bearing on religious tests for public office. Charles Pinckney, of South Carolina, proposed the abolition of such a test oath, and the clause was adopted. North Carolina voted against it, since it had included a Test Act in its own Constitution. This Act remained as a barnacle of bigotry on the Statutes until 1835, when Judge Gaston was chosen Justice of the Supreme Court of North Carolina. In the next session of the State legislature this anti-Catholic clause was struck out.

Dr. England was under the impression that the religious test clause in the Constitution of the State, theoretically excluding Catholics from public office, had had the effect of diverting Catholic settlers from North Carolina after the Revolution. The first visit of a Catholic priest which he records, is that of Rev. Michael de

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[24]Cf. *Records* (ACHS), vol. VI, pp. 225-251 (McLaughlin, *William Gaston, The First Student of Georgetown College*). McSweeney, *Judge William Gaston*, U. S. Cath Hist. Soc. *Records and Studies*, vol. XVII, June, 1926, pp. 172-174.
[25]Page 17. Cf. *Miscellany*, vol. II, p. 162.

Lacy, of Norfolk, who came to Washington, North Carolina, in 1807, to give the Last Sacraments to a Mr. Hanrahan, and who said Mass in the house of Mr. Leroy. There is, however, the record of a visit made by Father Le Mercier, to Raleigh, in 1805.

Father de Lacy returned in June, 1808, and endeavored to organize the Catholics of the place. From that time down to 1819, no priest seems to have come to North Carolina. In July of that year, Father Samuel Cooper and Father Nicholas Kearney came to Washington, North Carolina. Again in July and in November, 1820, Father Kearney came. This was the last visit of a Catholic priest until the coming of Bishop England in 1821.[26] From that year the Church of North Carolina dates its organization.

II. South Carolina.—South Carolina was from the beginning a frontier buffer against the Spanish settlement of Florida. Its history is merged into that of the Palatinate down to 1729, and the only notable feature before that date is the expedition sent out by the Spaniards to destroy the Carolina settlements, which they considered an intrusion into their territory. Fiske differentiates by contrast South Carolina from North Carolina, as one would in speaking of Virginia and New England. Social life in North Carolina was scattered. In South Carolina "there was a peculiarly strong concentration of social life into a single focus in Charleston; and in connection with this we find a type of society in some respects more essentially aristocratic than in Virginia."[27] The settlement of South Carolina took place under different circumstances from that of the northern part of the Palatinate. The coming of the Huguenots and the Cavaliers brought a certain modicum of genteel appreciation of the good things of life, well-tempered with a religious outlook. Moreover the constitutional administration of South Carolina, based upon the old English parish system, was bound to produce a different political contour in the southern colony. The settlers of South Carolina had a higher regard for religion than their brethren in the northern tier of counties, but they brought with them all the restrictions against Catholicism to which they had become accustomed in France or in England. The

[26] *Miscellany*, vol. II, p. 147.
[27] Fiske, *op. cit.*, vol. II, p. 290.

effort to establish the Church of England, especially through the Act of 1696, which excluded "Papists" by name, is the beginning of a series of religious event which throw a little light on the Catholic history of the State.[28]

Charleston, however, was a seaport and, indeed, one of the finest seaports along the Atlantic coast, and among the finest harbors to be discovered. The Spaniards, under Ayllon, had touched the Carolina shore in 1520, and again in 1524. Verrazzano landed a searching party probably near Cape Fear in 1524, and it was on this basis that Coligny sent out Jean Ribault with a colony of Huguenots in 1564, but the Port Royal colony was abandoned at the time of his arrival, and he went south, settling at Fort Caroline, on St. John's River. This was considered an intrusion in the Spanish territory, and Menendez surprised the French fort, destroyed it (September 19, 1565), and then founded St. Augustine, some fifty miles to the south, as a frontier fort against further encroachments. A Spanish garrison left at Fort Caroline was surprised in turn by de Gourgues, in 1568, and destroyed. "The attempted settlement at Port Royal forms an episode in the history of the territory. It gave to the whole region the name of Carolina in honor of Charles IX of France."[29]

In 1629 the grant to Sir Robert Heath of all the territory known as "Carolana", was made by Charles I, but no colony was established. Shortly after the cession of the Carolina Palatinate in 1663, the Ashley River settlement was made (1679), but we have no means of deciding whether the Irish names among the colonists are those of Catholics.[30] One of these is Captain Florence O'Sullivan, whose name is perpetuated in Sullivan's Island. The Church of England was to be "established" under the Fundamental Con-

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[28]Cobb, *op. cit.*, p. 124; McCrady, *History of South Carolina under the Proprietary Government (1670-1719)*, p. 289. New York, 1897; Whitney, *Government of the Colony of South Carolina*, pp. 1-12 (J. H. U. *Studies*, vol. XIII, Nos. 1-2. Balto., 1895).

[29]McCrady, *op. cit.*, p. 43. Coxe's *Description of the English Province of Carolina* (London, 1722) speaks of Carolana and Carolina as two distinct though bordering Provinces, "the east of Carolana joyning to the west of Carolina." Cf. McCrady, *op. cit.*, pp. 54-56.

[30]*The Irish in South Carolina, Georgia, Alabama, Louisiana and Tennessee*, article by P. Walsh, in the *Journal of the American Irish Historical Society*, vol. III, pp. 95-105. For early immigration to Southern colonies, cf. Proper, *Colonial Immigration Laws*. New York, 1900.

stitutions, but in the beginning the religious test was not stressed. The realization in England that the successor of Charles II would go to great lengths to restore the public worship of the Catholic Faith drove many of the dissenting faction to Carolina, and the population of the colony was doubled between 1680 and 1682. Another group of dissenters came from Scotland, under Lord Cardross in 1682. The great Revolution of 1688, which drove James II from the throne and placed William and Mary at the head of affairs, was the beginning of a new religious policy in the colonies. The South Carolina Assembly of 1696 passed the *Act for making aliens free of this part of the province and granting liberty of conscience to all protestants.* "Papists" were excluded. In the Assembly of 1716, the presence of Catholics in the southern part of Carolina is mentioned, and McCrady says that "such were the religious animosities of the time and the blindness of prejudice that the colonists appear to have been more afraid of Irish papists than of Yamassee Indians, and regarded them no better than 'persons of lewd and profligate lives.' "[31] After the permanent Royal Government was set up in 1729, South Carolina's religious history differs little from that of the other English colonies, with the exception that the propinquity of the Spanish settlements to the south kept alive the fear of Popery and all its "machinations". The State was so distinctly settled by French, German, Swiss, Virginian, Pennsylvanian, and English Protestants, that there was little attraction for the Catholic emigrant who wished to adhere to the practice of his faith. There was, however, no oppression of the non-conformist religious groups by the State-Church party, and things went along quietly until disestablishment, which followed soon after the American Revolution.[32] The Constitution of 1776 contained no religious test, but that of 1778 practically established the "Christian Protestant religion". All denominations of Protestants were given equal civil and religious privileges. In the Constitution of 1790, all the elaborate provisions for the maintenance of the Protestant establishment were abrogated, and by this action Roman Catholics were given equality with their Protestant brethren.[33]

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[31] *Statutes of South Carolina,* vol. II, p. 646. Cf. McCrady, *op. cit.,* p. 557.
[32] Cobb, *op. cit.,* p. 132.
[33] *Ibid.,* pp. 505, 517. "The Constitutional Action of South Carolina," says

> Perhaps no one of the colonies at this period [wrote Bishop England in 1832], stood higher than South Carolina in literary attainments, polished manners, high and generous feelings, and all that could elevate the character of its leading citizens. The planters enjoyed considerable wealth, had their children educated in the best schools in England, in which they had themselves attained information and credit; they also exercised a splendid hospitality, and were deservedly esteemed as disposed to patronize, in their own land, literature and the fine arts; but yet the several causes which I have enumerated led them to consider the Catholic religion in an exceedingly unfavourable point of view.[34]

Bishop England speaks of an Italian priest who came for a short time to Charleston in 1786, and of a Father O'Reilly who followed him a year or so afterwards. He mentions the Rev. Dr. Keating who came about 1789, and the effort made by the little Catholic group of the city to erect a church. The next priest he mentions is Simon Felix Gallagher, who was destined to play an unfortunate part in the beginnings of organized Catholic life in the State.

The organization of the Church in South Carolina began during the Prefecture-Apostolic of Dr. Carroll. So cramped was the American Prefect-Apostolic in 1785, that he was obliged to wait for three years before he found a priest available for the growing southern city of Charleston. His first appointment to Charleston was that of Father Ryan, who reached Philadelphia on August 1, 1788, with letters of recommendation from Archbishop Troy, of Dublin. On August 11, 1788, Dr. Carroll announced the safe arrival of Father Ryan to the Dublin prelate:

> I was honoured with Your Grace's letter of May 16, by the Rev. Mr. Ryan, who arrived at Philadelphia the first of this month, and is now with me. . . . Mr. Ryan I will endeavour to place, agreeably to himself and advantageously to some Catholics destitute of all spiritual assistance. He is not willing to accept an appointment in the country, in one of the western counties of Pennsylvania, where a large colony of Irish Catholics are soliciting a priest, and offer him a maintenance. He

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Cobb, "was a most curious mingling of political and religious ideas, having in part the ordinary expressions of the civil law, and in other part assuming the attitude and motive of a superior spiritual court or confession of faith" (p. 505). Cf. *Statutes of South Carolina*, vol. I, pp. 142-145, 188-191.

[34] *Works* (Reynolds), vol. III, p. 250.

has turned his eyes on Charleston, South Carolina, where a clergyman is likewise wanted.[35]

Father Ryan ministered faithfully for two years to the little group of Catholics in and about Charleston, but was obliged to abandon his post owing to ill health.[36] Dr. Carroll announced the appointment of Father Ryan to Cardinal Antonelli, in a letter, dated April 14, 1789: "*Sub initium autumni anni elapsi, destinavi Carolopolim, quae est metropolis provinciae Carolinae meridionalis, sacerdotem ex diocesi Dubliniensi, probum quidem, ut ex Revmo. Dublinii archiepiscopo cognovi, in quo tamen majorem conditionem desiderarem. Ex ejus litteris comperio plures ibi esse Catholicos, sed partim occultos, partim omni sensu pietatis esse destitutos.*"[37] To Father Ryan is due the credit of bringing together these hidden and lax Catholics, and when Father Thomas Keating took his place, early in 1790, there was a little group of two hundred Catholics ready for the establishment of a permanent church.

Apparently the English-speaking Catholics (mostly Irish) of Charleston had about this time appealed through the Spanish Minister at New York, Señor Diego de Gardoqui, in order to secure for themselves the same generous charity which His Majesty the King of Spain had extended to the Catholics of New York, in 1785.[38] They had informed Dr. Carroll of this fact on April 11, 1790, and the Bishop-elect replied in June as follows:—

I had the honour to receive with singular satisfaction the letter dated Charleston, April 11.

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[35]Moran, *Spicilegium Ossoriense*, vol. III, pp. 504-505. Dublin, 1884. The congregation in Western Pennsylvania, mentioned in Carroll's letter was probably that on the Monongahela, in the vicinity of Pittsburgh. The leading Catholic of the district, Mr. Felix Hughes, had visited Dr. Carroll in Baltimore in 1785, for the purpose of securing a priest to begin their church organization. Cf. Shea, *History of the Catholic Church in the United States*, vol. II, p. 293; Lambing, *History of the Diocese of Pittsburgh*. Pittsburgh, 1889.

[36]I have not been able to trace him after this date (1790). Bishop England, who calls him *O'Reily*, states that it was believed that he had gone to the West Indies [*History of the Diocess of Charleston*, in England's *Works* (Reynolds), vol. III, p. 250]. Ramsay, in his *History of South Carolina* (vol. II, p. 37. Charleston, 1809), alludes to him, and Smyth, in his *Present State etc.*, makes use of Ryan's appointment to Charleston as an argument in his thesis against Carroll and the former members of the Society. Cf. Shea, *op. cit.*, vol. II, p. 317 note.

[37]Propaganda Archives, *Scritture riferite, America Centrale*, vol. 883, no. 3; cf. Guilday, *op. cit.*, p. 736.

[38]Cf. *An Early Page in the Catholic History of New York*, in the *Catholic Historical Review*, vol. I, pp. 68 ss.

It could not fail of being highly agreeable to me to hear that a prospect was opened of extending the blessings of true religion to your flourishing town and State and that gentlemen of such rank and education warmly and zealously interested themselves in realizing so comfortable a prospect.

Ever since I received my present appointment, the introduction and establishment of a clergyman in Charleston has been an object very near my heart but want of information and multiplicity of other business did not allow me to pay to it that attention I have since given it.

You may be asssured, Gentlemen, that it shall ever engage my earnest solicitude and that if I live to see a rational ground of success I will do myself the pleasure of paying you my personal respects, both in discharge of my duty and to give consistency to your beginnings and every encouragement in my power. And since you have been pleased not only to inform me of your good intentions but have condescended to solicit my advice, I will give it freely and without any other apology than the occasion giving it shall suggest.

If either of the Princes you mention really intend to support Chaplains for the use of their subjects residing in Charleston, it is fortunate to have the exercise of our Religion introduced even by these means. But I cannot help expressing a wish that your clergymen may be entirely independent of and unconnected with any foreign prince. For I conceive that their success, and consequently the reputation of Religion, under the blessing of God, will greatly depend on the personal character of those who are to begin the work of the ministry.

Now neither you, Gentlemen, or the Ecclesiastical Superior of these States can effectually interpose in the appointment of clergymen protected and supported by foreign prinecs; and you know that the ecclesiastics who court the favour of principal or subordinate ministers are not generally the most excellent [*?*] body. But if as I fear a sufficient fund cannot be raised to bear the first charges of introducing nor sufficient endowment made for the consequent assistance of two clergymen, in that case the French and Spanish settlers with you might very consistently join in soliciting pecuniary help from their respective courts for compleating this purpose. But no consideration shall ever induce me to empower in the exercise of the ministry any clergymen who shall [*not*] bring from their respective Bishops unexceptional testimony of learning and morality and shall afterwards be approved by the Ecclesiastical Superior here.

This latter condition is absolutely necessary to insure the

honour and respect due to Religion, for without it we may have amongst us disorderly and scandalous ecclesiastics. You insinuate that some considerations may render it inadvisable for you to appear in this application should it be necessary. I easily conceive the delicacy of your situation and if you find on further consideration your interference would be improper, the inhabitants, French and Spanish, may with propriety state their situation and request the assistance of their respective Princes; in which case it may be in my power to further the success of their request at the Court of France by the assistance of some worthy and intelligent Prelates in France. You will [*add*] much to your preceding favour by informing me particularly of the steps which you will resolve on.

Permit me to make my humble acknowledgement for your zeal in promoting the interests of Religion. The prejudice of many will, I hope, be overcome by your Christian lives and example; and by the assiduity, zeal and virtue of those whom God I trust is raising up for your spiritual help and consolation. I recommend to you all to join in your incessant supplications to the throne of mercy that a proposal originating from so holy a motive may terminate in procuring that blessing to Carolina which she greatly wants.[39]

If a copy of the Charleston appeal was sent to Don Gardoqui at the same time, it would explain a letter from Carroll to one of the officials of the Spanish Legation, dated April 20, 1790, in which Carroll replied to enquiries for information on the Charleston congregation:

I received on Saturday the honour of your letter of the 12th inst. I cannot express my sensibility on receiving a new proof of his Catholic Majesty's zeal for the advantage of the true Religion and for promoting it in the U.S. I request, Sir, that you would be pleased to present my most humble respects to his excellency, Don Antonio Portier, and entreat him to do me the honour of making known to his Majesty that his princely intentions in favour of the American Church have filled me with a deep sense of gratitude and attachment to his person and interests; and that similar sentiments will pervade every corner of the United States in which the Catholic Religion has made any progress.

According to the information sent me from Charleston the number of Catholics is about 200. Every day they become

[39]Baltimore Cathedral Archives, Case 3-C7; printed in *Researches*, vol. VII, pp. 177-178.

more numerous. Many whom past discouragements and oppressions kept concealed, begin to show themselves. Our Religion has not been exercised publickly there above two years. The Catholics there are mostly poor. They have no Church, but divine service is performed in a ruinous house which they have hired. I presume that a church about 75 feet long by fifty in breadth would be sufficient for some years yet to come. To build and provide such a church with all necessaries for divine service would require at least 15,000 dollars. I know no persons in Charleston with whom I would recommend the money to be lodged. The clergyman now there is on the point of leaving the place. Whatever donation it may please his Majesty to bestow, should, I think, be placed in the hands of his minister in the U.S. at first or in the bank of New York or Philada. subject to the Minister's orders. I am soon to leave the United States for Episcopal Consecration. I presume you will have an answer from your Court about the time of my return; and by that time I shall be able to give further advice concerning the persons to whom the execution of his Majesty's beneficent intentions may be committed. I have particular reason for observing that it would not be safe to lodge his money in the hands of any of those who would be very forward to offer their services if they were informed of the present enquiry by Don Antonio Portier.[40]

Evidently the King of Spain received the appeal favorably, for there is private correspondence in the Baltimore Cathedral Archives between the Spanish Consul, Don José Ognacio Viar, and Bishop Carroll. After Carroll's return to Baltimore (December, 1790) the appeal to the Spanish Crown was renewed, and there is a letter from Carroll to Gardoqui, dated Baltimore, June 25, 1791, in which he accepts the plan of a Spanish subsidy for the Church in Charleston:

Having been honoured with your enquiries relative to the state of the Roman Catholic congregation at Charleston, S. Carolina, I take the earliest opportunity since my return from Boston to give you the best information in my power. Your first enquiry was the number of Catholics in that town. This cannot be exactly ascertained, both on account of many being often absent at sea or on commercial business in the inland country; and more especially on account of the small and exceedingly inconvenient house wherein they now meet for divine worship by which many are prevented from attending.

[40]BCA, Case 9-B1; printed in the *Researches*, vol. VII, p. 176.

But I have no doubt of the number being at least between four and five hundred and the certainty of a great increase. The 2nd enquiry, the expense of building a church and fitting it with all the necessaries for divine service. It is meant, I presume, that the Church should not only be sufficient for the actual congregation, but for such as it will be in a few years. The expense of finishing such a church, with all its appurtenances, cannot be less than 15,000 dollars. The furnishing it with necessary ornaments for the altar, linen and priestly vestments would be an additional expense, but as these can be obtained cheaper in Spain, I presume that they who may be appointed to carry into execution his Majesty's gracious benevolence will order them to be made there and forwarded to Charleston.

Your enquiry further, in whose hands the money destined for the Church of Charleston may be safely lodged. My answer is that the safest method of disposing of it is to have it placed with the ministers of his Catholic Majesty residing in the U.S. and with responsible persons in Charleston, who may give security for a right use of the money put into their trust.

Repeating my former request that you will be pleased to offer to his Majesty the tribute of my most grateful acknowledgement for his religious intentions towards the congregation of Charleston, I have the honour to assure you of the highest esteem and respect of, Sir, most obedt. servant.[41]

It is not certain, however, whether the King of Spain eventually extended his generosity to Charleston. Bishop Carroll intimated to Cardinal Antonelli, in a letter sent on February 6, 1790, that he had great hopes for a permanent church organization in that city. There is no mention of any donation from Spain in the earliest records of the church there.[42]

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[41]BCA, Case 9-F3; printed in the *Researches*, vol. VII, pp. 178-179.

[42]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 893, not folioed. The tradition that St. Mary's Church was built by Spanish or foreign money remained in vogue until the time of the Rev. Dr. Hopkins, who gave the facts in his *Historic Sketch of St. Mary's Church* (Charleston, 1898). Dr. Hopkins, who was then pastor of the church, writes: "There is no record that the intended aid from the Spanish Crown was ever given to the struggling Church in Charleston. Its establishment remains the undivided honor of good Dr. Keating and his parishioners" (p. 5). It is not certain whether Dr. Keating left Charleston definitely in 1790. The *American Museum* (vol. VIII, 1790) reports a sermon he delivered in Philadelphia on August 20, 1790. Dr. Hopkins believes that he was merely on a visit to Philadelphia at that time, since his name is found on a deed, dated July 1, 1792, drawn up at Charleston. In the *Annales de la Propagation de la Foi* (vol. VI, p. 216), it is stated that he remained in Charleston until 1792. Among the poems of John Swanwick

If Father Keating departed in 1790 for Philadelphia (where he died from yellow fever, on March 7, 1793), the little congregation was without a pastor until 1793, when Bishop Carroll sent to Charleston one of the most singularly gifted of all our pioneer clergymen, the Rev. Simon Felix Gallagher, D.D. Dr. Gallagher arrived in this country early in 1793, as we learn from Carroll's letter to Dr. Troy, dated May 10, that same year. "The Rev. Mr. Gallagher presented me with your Grace's favour of February 3rd. His talents are commended by so good a judge as your Grace, and he gave indeed a very pleasing specimen of them in a sermon before a congregation of this town, which is a place requiring a man of considerable abilities, which Mr. Gallagher possesses, and great purity of manners, which I likewise hope is another trait of his character."[43] Bishop Carroll evidently was attracted to the newcomer and believed that Charleston with its social and literary life would be a fruitful field for his abilities. Dr. Gallagher, who was "a man of extraordinary eloquence, of a superior intellect, and fully cultivated mind",[44] received a hearty welcome from his flock. The State Constitution of 1790 had removed the last disabilities against Catholics in South Carolina, and with the enfranchisement an almost complete religious freedom was established in the State. During the previous year the Charleston congregation had purchased a lot in Hazel Street, by an indenture dated August 24, 1789. This was the same property which Father Ryan rented in 1788, and there was on it a small wooden church, which had been used by the Methodists of the city. The names of the Catholics on the deed are Daniel O'Hara, William McDonald, Charles Crowley, Luke Breen, and Daniel Carroll. The old meeting-house, then in a ruinous condition, became by this purchase the first Catholic church of the Carolinas and Georgia. Father Keating renovated the building and dedicated it under the patronage of St. Mary, a title it bears to the present day.

Towards the close of the year 1790, the Catholic congregation

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(1797) is one on Father Keating's devotion to his people during the yellow fever epidemic (cf. Hopkins, *op. cit.*, p. 11).

[43]Moran, *op. cit.*, vol. II, p. 513; original draft in the BCA, Case 10-A9; printed also in the *Researches*, vol. XIII, p. 166.

[44]England, *History of the Diocess of Charleston*, in *Works* (Reynolds), vol. III, p. 251.

of Charleston made application to the State Legislature for incorporation. This was granted on February 19, 1791. The incorporators are unknown. Hopkins states that "unlike other instances, this Act incorporated, not the Trustees, but the members of the Church. This important point seems to have been lost sight of subsequently, and the error was a fruitful source of trouble at various epochs in the history of St. Mary's."[45] When Dr. Gallagher arrived in 1793, "with the authority of the Bishop of Baltimore to collect the little flock that had been scattered" after Father Keating's departure, "and to repair the building that had almost crumbled into ruin", (it is Bishop England who speaks), he faced no easy task, although "the learning and elocution of the pastor drew to this tottering remnant of a wooden church the first rank and talents of the city."[46] Dr. Gallagher's name is found in the Register of St. Mary's for the first time on September 1, 1793. He signs himself: *Simon Felix Gallagher, priest of the Diocese of Dublin, and graduate of the University of Paris.* Shortly after Dr. Gallagher's appointment to Charleston, Bishop Carroll became aware, through correspondence with Archbishop Troy, of the eloquent priest's weakness of character; and it was not long before the trustees were obliged to report to Carroll certain serious complaints against him. Dr. Gallagher quickly became prominent in the little Southern city, having accepted a post as teacher in Charleston College. It was therefore impossible to hide the delinquency which was to rob the American Church of a leader full of promise.[47] His popularity, however, enabled him to obtain sufficient funds to build a substantial brick church in place of the old wooden structure. "The efforts of his labours", writes Hopkins, "soon began to show themselves in an increased spirit of kindliness towards the class once so bitterly opposed."[48] When the first signs of trouble appeared between himself and the trustees, is uncertain. We find harmonious relations as late as December 21, 1799, when the State Legislature passed favorably upon a bequest to the Incorporated Trustees of

[45]Hopkins, *op. cit.*, pp. 15-16.
[46]*Op. cit.*, p. 257.
[47]Guilday, *op. cit.*, p. 737. Dr. Gallagher was the first president of the Hibernian Society of Charleston (1799). Cf. *Journal of the American Irish Historical Society*, vol. II, p. 96.
[48]*L.c.*, p. 18.

the Roman Catholic Church of Charleston. The names of these trustees in the Act of this date are: James Moles, John Sutton, Samuel Corbett, Patrick Byrnes, Francis Mulligan, Edward Mead Phelon, Christopher McDonald, and Richard Brennan; they composed "the Vestry of the said incorporated Roman Catholic Church." Samuel Corbett it was, who wrote to Bishop Carroll, on October 18, 1801, complaining that Dr. Gallagher's actions were bringing disgrace upon the Church in Charleston.[49]

Nearly three years before this, on January 23, 1799, Bishop Carroll decided to write to Dr. Gallagher and to bring before him the various rumors which had reached Baltimore regarding his conduct in Charleston.

> My confidence [Dr. Carroll says], has become burthened with a heavy anxiety for your congregation, and indeed for yourself. Respect and delicacy have witheld me from opening myself on a subject which must give pain to you, whether my information respecting it be founded or not. And if founded, must be of great prejudice to religion, in that city particularly where it has been introduced so lately. For two or three years past, accounts from different persons unknown and unconnected with each other, have reached my ears, that you have given offence or scandal often, and give it almost habitually by the most unbecoming and undisguised intemperance; that even in the church, at afternoon service, you have been hardly able to hold yourself on your legs; that, whilst you are in this state, you sometimes use profane oaths, etc., etc. To a clergyman of your knowledge, nothing need be added to bring to your mind the effects of such misconduct and the deplorable prejudice, which must ensue to the sacred interests of Religion, committed to your care. In so wealthy a town as Charleston, not the least progress has been made towards building a church, Divine service is said to be performed in a very indecorous manner, the vestments, linen and every thing about the altar carry marks of the total inattention to and a disregard of the sacred uses to which they are applied. These are heavy imputations; and it will afford me infinite relief to know that they are unmerited. You may judge of the pain I feel in mentioning them, by my having suppressed them so long. I hoped to have gone last year and to have found that they were groundless. But I could not accomplish it and fear it will be less in my mind from its present burthen. Answer immediately.[50]

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[49]BCA, Case 2-U4.
[50]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 147-148.

What answer Dr. Gallagher made is not known, no copy having been found. Whether, as is so unfortunately true in such cases, emphatic promises, only to be broken in a short time, alternated with repeated admonitions, we are not certain. But it would appear from the letter which follows, that Bishop Carroll had appealed personally to the gifted priest when they met at Washington, D. C., probably at his request. The letter itself is depressing, but it is a vital link in the subsequent career of Dr. Gallagher, and for that reason it is given in full:

> You have probably thought my long silence extraordinary: it has proceeded not from inattention. I have still by me two or three letters, which were ready to be sent to you, but afterwards suppressed. When I had the pleasure of seeing you at Washington, I freely communicated the complaints made of you, and accepted your explanations and new assurances, as a satisfaction for the past, and a pledge for the future. But at my return to Baltimore, I was mortified by the recital of your excesses here, immediately after your own return from our conferences. The knowledge of these excesses was communicated by those who had been eye-witnesses of them, and had previously manifested a particular attachment to you, during your abode here. Since your return to Charleston, I scarce ever hear you mentioned by a Catholic or a protestant, especially the latter who, tho' they give you credit for your uncommon talents, do not add some remarks on that intemperance, which, if it be as habitual, as it is represented, must destroy in great measure the effect of your discourses, and other ministerial duties. This has suggested to me the propriety of some other arrangement, not altogether such, as I would wish, but as circumstances enable me to make. I heard lately of your being made Principal of the College of Charleston, to which undoubtedly a salary is attached, sufficient to render you independent of that which is annexed to your pastoral office; & this new appointment must often interfere with the duties of that charge. I likewise recollect, that you were not solicitous for the preservation of the latter, not at least, as a source of income. The Revd. Mr. Ryan, who resided formerly at Charleston, is now out of place by resignation, and has long wished to return. Tho' his talents are very limited, yet his conduct is correct; and making only an exception for his quickness of temper, he has conciliated esteem, wherever he lived. If you be disposed to relinquish your pastoral care, I will appoint Mr. Ryan to succeed you: but remaining Principal of the College,

> I flatter myself, that you would go often into the pulpit, and devote to God's honour the exerecise of your abilities. In making this request, I should feel more confidence, were I assured, that you had freed yourself entirely from that failing, of which you have heard too much either for the respect, you owe to yourself, or that which I wish to pay you. On the subject of this letter write to me soon and freely.[51]

Dr. Gallagher replied to this proposal on August 19, 1801, expressing indignation at the contents of Bishop Carroll's letter, which he termed "the instrument of ecclesiastical suicide". Carroll replied from Washington, in September, 1801, that

> the measure proposed by my letter, or a similar one would have been adopted sooner, but for the hope with which I flattered myself, that your good sense (to omit higher considerations) would work a change in you, and my reluctance was extreme to deprive the Diocese of the benefits of your talents. But I could withstand no longer the concurrent testimony, as well of your own personal and particular friends, as of others, who had no interest in misrepresenting you. Combining these with authentic advices from Ireland, and well remembering the jejune character of the documents exhibited by you at your first arrival from it, I have more cause to fear that I am reprovable for my remissness than precipitate in my proceedings towards you. The language of your letter, and the resistance it denounces, do not tend to change my opinion of your dispositions. But tho' I fear, as I ought, and pray to God to avert the evils which may be apprehended from your opposition to my views, for the benefit of the Congregation of Charleston, yet this apprehension will not withold me from attempting the fulfilment of my duty.[52]

Bishop Carroll's request for his resignation went unheard. Gallagher realized that his superior's patience with his repeated public offenses was at an end; but he stubbornly refused to allow Father Ryan to return to Charleston.

It was an easy matter to arouse some of the trustees against Carroll, and to their letter of complaint against the threat of Gallagher's removal, the Bishop wrote on November 10, 1801:

> Dr. Gallagher has been informed of the motives, which induced me to think a change necessary in the ministry of the church at Charleston. I have stated these motives fully to him,

[51] *Ibid.*, vol. 3, fol. 128.
[52] *Ibid.*, vol. 3, fol. 129.

which certainly were not suggested by the willfull misrepresentations of those, on whose evidence they were conceived. Far from seeking causes of dissatisfaction with the clergymen my Brethren, dispersed through the United States, nothing gives me more pain than to hear of any. Dr. Gallagher knows how ready I have been to make allowances for failings which are neither habitual nor grievously scandalous. My proceedings towards him were grounded on information communicated by those, who could not be suspected of interested partialities to his prejudice. What passed recently between him and myself, he perhaps has made known to you. I own that the language and sentiments expressed in his letter were not calculated to remove unfavourable impressions of them, if I had conceived any. I cannot foresee what may be the final issue of the new arrangement which was proposed for the Church in Charleston. But [*I*] am disposed to great and long forebearance, rather than incur the danger of a schism in your congregation. In the mean time, it is melancholy to hear of the languor of piety, neglect of the sacraments and other abuses, which diminish the respect due to the maxims of the Gospel and the decency of Divine worship.[53]

Dr. Gallagher's suspension was imminent, and he appealed to the Holy See against Bishop Carroll. A copy of the appeal was sent to Carroll by Propaganda on March 13, 1802, with the request that the contents be carefully noted and that a reply be sent to Rome. Propaganda regretted the necessity of troubling Dr. Carroll with the case, but the uniform law of the Church required that all appeals be given a hearing.[54]

On November 3, 1802, Dr. Carroll wrote to Gallagher as follows:

I have received a letter from the Card. Prefect of the congregation *de Propaganda Fide*, containing a copy of your appeal to His Holiness, occasioned by my instruction to you, a long time ago, and request for your resignation of your pastoral charge at Charleston. It is likewise desired by him, that I would intimate to you a certain time for the exhibition of the grounds of your complaint and appeal, and in order to allow sufficient time, I now appoint the last day of July, 1803, within which term you may have presented at Rome such documents as you will judge usefull to your cause.[55]

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[53] *Ibid.*, vol. 5, fol. 152-153.
[54] *Ibid., Lettere*, vol. 283, fol. 95v.
[55] *Ibid.*, vol. 5, fol. 153.

On November 25, 1802, Bishop Carroll answered the letter of the Cardinal-Prefect. He was gratified at the opportunity of bringing Gallagher's case before the Holy See, if indeed, as he says, it can be called a case, since so far no action had actually been taken. When, seven years before this, Gallagher came from Dublin with letters from Archbishop Troy "*quae litterae ejus doctrinam praedicabant et ingenium; de virtute vero et moribus alte silebant*", Carroll needed priests badly and so employed the Irish cleric; but the silence of the Archbishop on Gallagher's character induced him to make enquiries and he had found that Gallagher had left Ireland *non intacta fama.* He appointed Gallagher for one year in the Church in Charleston, but his conduct was such that all honest citizens of that city were scandalized. After repeated offenses and subsequent admonitions, Dr. Carroll asked him to resign the pastorate to make way for the return of Father Ryan.[56] Gallagher wrote to Bishop Carroll in April, 1803, that he would be obliged to leave Charleston for a while, owing to ill health, and that perhaps he would not return. A few days later he wrote to say that he was about to set sail for Rome, where he intended to bring his case personally before the officials there. Carroll told Propaganda that there was no "*causa*" as yet in Gallagher's affair, since he had not taken a definite action, from which the Charleston priest might appeal canonically. Bishop Carroll feared that Propaganda might misapprehend the whole matter, should it be judged from the standpoint of Gallagher's possessing a canonical right over the parish of Charleston. On May 16, 1803, Dr. Carroll sent a second version of this letter to Propaganda. He had mislaid the original, and, therefore, repeated it from memory. There is an added clause in this second letter which shows that his fear of Propaganda's misapprehension had been increased, since he emphasizes the fact that the clergy in charge of souls here at the time were missionaries rather than parish priests (*potius tanquam missionarii quam parochi*).[57] In September, 1803, Dr. Carroll called to Charleston

[56] *Ibid.*, vol. 5, fol. 155-157.

[57] *Ibid.*, vol. 3, fol. 145. Gallagher had obtained the help of the Guardian of Saint Isidore's Franciscan Monastery, and Propaganda informed the Guardian (August 27, 1803) that it was useless for the Dublin priest to come to Rome, since he was not a *parochus* in the canonical sense of the term and was therefore entirely subordinate to Dr. Carroll (*Ibid., Lettere;* vol. 286, fol. 81v).

Father Le Mercier, the founder of the church in Savannah. About this time he had received Propaganda's letter of March 18, 1803, in which the Cardinal-Prefect admitted that Gallagher had deceived them on the question whether or not the congregations in the Diocese of Baltimore constituted real parishes with pastors of canonical status. From the original documents on the establishment of the diocese, they had learned that such was not the case. Dr. Carroll was then advised that he had full authority to deal with Gallagher as he thought best—"*Nunc autem, re patefacta, causa appellationis finita est, et Amplitudo Tua cum presbytero illo, appellatione non obstante, se geret prout in Domino expedire judicaverit.*"[58]

The trustees refused to receive Father Le Mercier as their pastor and regarded him as merely *locum tenens* in Gallagher's absence. Harmony was not effected in Charleston when Gallagher returned, and from that time until Dr. Carroll's death, the Dublin priest was known nationally as one of the chief trouble-makers in the Catholic Church of the country. On August 15, 1805, Dr. Carroll suspended Gallagher, permitting him, however, to celebrate Mass privately in his own house. Shea says that the trustees then ordered the old church to be torn down in order to prevent Father Le Mercier from officiating therein, but that an indignant meeting of the Catholics at large prevented the sacrilege.[59] Dr. Gallagher then opened a public chapel in his house, and the Catholics were divided until the following year (1806), when Le Mercier left for France.

The trend of affairs in Charleston during the next few years can only be surmised, owing to the paucity of letters for that period. It would appear, however, that Dr. Gallagher made his peace with Bishop Carroll, and that the trustees, in the name of the congregation, wrote asking that Dr. Gallagher be reinstated as their pastor. At a meeting of the trustees, held on December 19, 1806, a letter from Dr. Carroll (dated December 3, 1806) was read, acquiescing in their request and appointing Dr. Gallagher pastor of St. Mary's Church. The letter of appointment, in Latin, is found in the church register, and is given by Hopkins in his *Historic Sketch of St.*

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[58] *Ibid., Lettere,* vol. 285, fol. 110.

[59] *Op. cit.,* vol. II, p. 462—Le Mercier to Carroll, September 12, 1805 (this letter could not be found in the BCA).

Mary's Church. The Propaganda Archives contain several letters of this period from Dr. Carroll (March 18, 1808; August 7, 23, 1808; May 30, 1809), which form part of his correspondence with Dr. Gallagher.[60] They are all kindly in tone, contain no word of reproof, and speak warmly of the recipient's zeal for the Church in Charleston. Two offers of promotion are made in them—one to New York City and one to St. Patrick's, Washington, D. C. But Dr. Gallagher declined both places. "I would be glad", Dr. Carroll wrote (May 30, 1809), "to commit to your zeal and talents the support and credit of our holy Religion, in the Capital of the United States, provided, however, that you can be succeeded at Charleston, by one whose talents would maintain the credit already obtained for our religion among those who had no knowledge of it." There is another letter, dated September 30, 1810, without doubt to Dr. Gallagher, thanking him and Mr. Phelon, the head of the trustees of St. Mary's Church, for the generous sum of two hundred and thirty-three dollars for the Baltimore Cathedral, then in course of construction. A postcript to the letter invites Dr. Gallagher to come to Baltimore to deliver one of the sermons at the consecration of the three bishops (Cheverus, Egan, and Flaget).[61] Why Dr. Gallagher, then acknowledged to be one of the foremost pulpit orators in the country, declined this invitation, is not known. Nor is it certain just what caused the first rift between himself and the trustees of St. Mary's Church, that same year.

In the beginning of 1810, a different spirit had manifested itself in the board of vestrymen, and on March 26, 1810, the trustees passed a resolution, appointing a committee "to draw up new rules for the future Government of the Church". These rules were adopted in Dr. Gallagher's absence, on June 1, 1810. Essentially there was little change, but that change was sufficient to create a disorder which grew in intensity until Bishop England's day, when the rules were repealed (January 30, 1822). The new rules excluded the pastor from the board of trustees, and placed in the hands of the laymen who composed the Vestry complete and absolute power of administration over the church. The clause in ques-

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[60]Prop. Arch., *Scritt. rifer., Amer. Cent.* vol. 5, fol. 23-28, 158-159, 160-161.
[61]*Ibid,* vol 3, fol. 288.

tion reads as follows: "The clergyman shall not be entitled to a vote, neither to be present at any of the meetings of the Vestry; all communications from him to the Vestry to be in writing, and their answer to him in like manner."

Dr. Gallagher, no doubt, endeavored to bring the trustees to a more reasonable attitude; but failing in this, he determined to take a stand publicly, and on January 20, 1811, he read to the trustees and the congregation the following declaration of principles:

To the Vestry and Congregation of the Catholic Church of Charleston: *Admonitions*

Whereas, the Vestry elected in January, 1810, have during the last year held many meetings without giving to the Pastor of this Congregation any notification thereof, and without any consultation with him respecting the most important concerns of this Church, and have adopted Rules and Regulations essentially connected with religion without his consent or approbation; and Whereas, the first of these rules pretends to enact that the Pastor of this Congregation shall not have a vote in the Vestry, and another rule declares that he shall not even be present at the election of the Vestry; seeing that the proceedings and rules above mentioned are an infringement of the Pastoral rights, an insult to the Priesthood, an usurpation of power in a Vestry repugnant to the principles and discipline of the Catholic Church, an innovation contrary to the Constitution and practice of all other Catholic Congregations, and even of this Congregation during twenty years from its first establishment to the present time; that they would inevitably be a source of perpetual discord and dissentions, and an occasion of schism, and that they have already been condemned by our Rt. Reverend Archbishop; Under these circumstances I am in duty bound to declare that the aforesaid rules are unlawful and invalid, that the principle they establish is erroneous and schismatical, and after so many repeated admonitions that no true Catholic can any longer with safety of conscience subscribe to or maintain them.

2ndly. I declare that when these false and pernicious principles shall be revoked, and the rights of the Pastor of this Church duly admitted and acknowledged, I shall be ready to concur with the Vestry in establishing all regulations which may be necessary and useful.

And finally in the spirit of peace and mildness, I earnestly exhort them to listen to the gentle and tender admonitions of our Apostolic Prelate, and to remember the words of our

Divine Redeemer to the Apostles: "He that heareth you heareth Me; he that despiseth you despiseth Me."

SIMON FELIX GALLAGHER. [62]

Dr. Gallagher had informed Bishop Carroll of this "invasion of pastoral authority", but the latter did not consider the situation a serious one. Other letters from Charleston emphasized the danger to Church unity in the action of the trustees, and on September 15, 1811, Dr. Carroll wrote to Gallagher:

> I cannot account for my inexcusable delay in answering your several favours concerning the invasion of pastoral authority and the attempted violation of ecclesiastical discipline. When first you advised me of them, perhaps I held their efforts in too much contempt, for I contrasted them with your sound principles, your knowledge, experience and deserved influence in your congregation, and therefore made no doubt of you compleately defeating the machinations of Innovators, whenever it would please you to exhibit and comment on the documents in your possession, which prove the falsehood of the allegations concerning the exclusion of the clergy from the board of Vestrymen in the various churches in the U.S. But after you had informed me a second time of the contrivance of the same disorderly, and in modern language, *disorganizing* pretenses, it was my duty to have taken earlier notice of your situation.[63]

To this letter Dr. Carroll attached a sheet containing the Statutes of the Synod of 1791 and the Agreement of 1810, advising Dr. Gallagher to copy them out for the purpose of instructing the trustees on the limitations of their powers. Later in the year (1811) Dr. Carroll wrote to the trustees the following admonition:

> I have heard with surprise and concern that your venerable Pastor, the Rev. Doctor Gallagher, has for some time past suffered great uneasiness on account of the extraordinary limitations on his authority being attempted to be introduced by some members of your body. The pretext for introducing these limitations is founded on a palpable mistake; and if they should be established by an Act of the Vestry, they would not only be at variance with the discipline universally prevalent in all the Churches in the United States, but have the most discouraging effect, in rendering the provision of Clergymen of respectability for the various Congregations a hopeless

[62]Hopkins, *op. cit.*, pp. 26-27.
[63]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 32-33.

> endeavour.... When you, Gentlemen, dispassionately consider this, you certainly will conform to the universal practice, and not place the Church of Charleston, a Church of so much hope and in a station so conspicuous, on a different footing from its sister Churches. If any entertain an idea that, in case your present distinguished Pastor should refuse to submit to the contemplated innovations, other clergymen may be procured to take his place, they either deceive themselves, or would put me under the necessity of withholding from them my approbation and the faculties necessary for the lawful exercise of the sacred Ministry. For what esteem or confidence could I place in a priest who would condescend to become the instrument of subverting the order of the Diocese, and perhaps of renewing the scenes of insubordination which have hitherto agitated some of our congregations? .... I shall conclude with the expression of my most sincere wishes and prayers for your happiness collectively, and individually; not only for yours, but that of all the congregation.[64]

From the extant correspondence it would appear that Dr. Gallagher had requested at different intervals the appointment of an assistant-pastor to aid him in the ministry of Charleston. The effort which Dr. Carroll made to persuade Father Louis Sibourd to go to Charleston in 1808, and the appointment of Father de la Clorivière to the post in 1812, would argue for the fact that a French priest was needed in the city.

Much has been written about the tragic figure of Joseph Picot Limoelan de la Clorivière. He was born at Nantes, in Brittany, on November 4, 1768, and belonged to the nobility of France. A fellow-student of Chateaubriand, he is mentioned with honor in the *Mémoires d'Outre-Tombe.* As a young man he entered the King's Guard, and he was an officer of this corps when the French Revolution took place. Fleeing first to Jersey, he returned to Brittany, was active in Royalist circles, became a leader of the Chouans under Cadoudel, rising to the grade of adjutant-general of the Royalist forces. Limoelan, as he was known at the time, refused to serve under Napoleon after the latter's rise to power in 1799, although he believed it best not to show any outward rebellion to Bonaparte's government. The young Royalist came to Paris in 1800, ostensibly to have his name removed from the official list of pro-

[64]Hopkins, *op. cit.*, p. 27.

scribed *émigrés*, but in reality to become a partner in the desperate undertaking known in the history of the Consulate as the "Infernal Machine", the object of which was to assassinate the hated "Corsican" as he drove from Malmaison to Paris. The terrible result of this conspiracy of Christmas Eve is one of the sad pages of the Consulate. Two of the conspirators were caught and condemned to death, but Clorivière escaped. He had been hidden in the crypt of the Church of St. Lawrence by his uncle, Father Pierre-Joseph Picot de la Clorivière, who was later to become the restorer of the Society of Jesus in France. In April, 1801, he made his way in safety to Brittany, and in 1803, he came to the United States as a sailor under the name of Guitry. For three years he wandered in various parts of the country, and in 1806 came to Baltimore, where he made application for admission to St. Mary's Seminary. In 1812, he was ordained to the priesthood by Archbishop Carroll and was appointed to Charleston shortly afterwards.[65]

The traditional history of Clorivière's reception at Charleston is that shortly after his arrival, he was expelled from the church by Dr. Gallagher and Father Browne, with the connivance of the trustees, who did not wish to have a French priest over them. To this tradition is usually attached to the fact that Clorivière's Bourbon affections and his share in the conspiracy of 1800 rendered him obnoxious to the republican spirit of the trustees. It would be difficult to prove that anyone outside the superiors at St. Mary's Seminary, Archbishop Carroll, and possibly Father Bruté, knew

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[65]These details are taken from the article *Joseph Picot Limoelan de la Clorivière*, by Pierre Marique, in the United States Catholic Historical Society's *Historical Records and Studies*, vol. VIII (1915), pp. 195-208. In Saint-Beuve's novel *Volupté*, he is given the principal role in the conspiracy. Some interesting facts of his life in France and in America have been gathered from his correspondence by the Rev. Joseph Mitchell. Cf. The *Bulletin* of the Catholic Laymen's Association of Georgia, vol. II, no. 11 (October, 1921). Cf. Thiers, *Histoire du Consulat et de l'Empire;* Lathrop, *Annals of the Georgetown Convent of the Visitation*, pp. 193-197. Cambridge, 1895; Herbermann, *The Sulpicians in the United States*, p. 82. New York, 1916. Clorivière wrote to Dr. Carroll from Charleston on November 16, 1812, stating that he had spent three weeks with Father Miguel in Norfolk. From there he went to Petersburg and thence to Fayetteville, where he found twenty Catholics and celebrated Mass for them. He visited Georgetown, S. C., where he found a few French Catholics who refused to come to Mass [*Records* (ACHS), vol. XXIII, pp. 197-198].

of his real identity. And certainly, from the documents at our disposal, it would appear that the two priests, as pastor and assistant respectively, lived in concord until 1814. There was naturally on the part of the Irish members of the congregation a racial attitude so sturdy that they resented being governed by a Frenchman, when owing to his old failing Dr. Gallagher was obliged to be absent so often. Clorivière was not popular with the congregation, and when the news of the Bourbon restoration reached him, he determined to return to France. On October 27, 1814, he wrote to Dr. Carroll announcing that fact, as we learn from Carroll's answer of November 3, of that year:

> I was favoured yesterday with your esteemed, but to me very painful favour of Oct. 27, from which it appears that contrary to my hopes, and partly to my expectation your departure for France will be earlier than you once insinuated. I should have cause to regret it at any time; and now more particularly, since there is no other priest at my disposal, who can be sent to alleviate the loss at Charleston. Many advantages will be lost, which were enjoyed thro' your zeal by the youthful and uninformed part of the Congregation; and the piety of those, who are advanced in the ways of virtue, will be deprived of much consolation. Dr. Gallagher's age and infirmity will not permit him to supply this deficiency; but it would be cruel to withhold my assent to your reasons, and the call of such friends, as you left in Europe; you therefore will find on the other half sheet your *Exeat*, written with a heavy heart. That God of mercy, who withdraws you from us, can alone give you the reward of your services here, and grant you a successor to cultivate the plants which you have reared in his vineyard.

The *Exeat*, dated November 3, 1814, bears the *celebret* of Joseph Hodgson, Vicar General of the London District, granting Clorivière permission to celebrate Mass in that diocese *ad tres menses*. This is dated at London, April 5, 1815.[66] Clorivière wrote to Dr. Carroll from London, on April 7, 1815, admitting that he was badly inspired in leaving the Diocese of Baltimore. He returned to Charleston in November, 1815, and wrote to Dr. Carroll on the twenty-eighth of the month.[67]

That Archbishop Carroll had experienced several serious diffi-

[66]Prov. Arch., *Scritt, rifer., Amer. Cent.*, vol. 5, fol. 29-31. Carroll's letter contains an enclosure for Clorivière's uncle.

[67]Guilday, *op. cit.*, p. 743.

culties with Dr. Gallagher up to this time is evident from the letters that remain. The pastor of Charleston travelled much during these three years and on various occasions in Baltimore was obliged to accept the help of friends who shielded him from public notoriety. But he was still in good standing as late as June 22, 1814, when Bishop Egan, of Philadelphia, wrote to Archbishop Carroll, offering him a post in that city: "Many of my friends here are of the opinion that his eminent abilities as a Preacher, were he stationed in this city, would be the most effectual means of conciliating the minds of the people and restoring peace to this disturbed Congregation."[68] Dr. Gallagher was then in Baltimore and on his way to Philadelphia.

During Clorivière's absence (November, 1814-November, 1815) Dr. Gallagher found it necessary to secure assistance in his work at Charleston, and he called to his aid the Rev. Robert Browne, then pastor at Augusta, Georgia. Father Browne was a native of Ireland, a member of the Augustinian Order, and had labored in the Dublin missions prior to his coming to America, in 1806-07.

During the episcopate of Archbishop Neale (1815-17), the Charleston congregation reached an open state of rebellion, which lasted, as will be seen in succeeding chapters, during the early years of Archbishop Maréchal's régime (1817-20), and was only brought to an end by Dr. England's prudence and firmness.

III. Georgia.—The earliest traces of Catholic life in the present State of Georgia were the Spanish missions in the beautiful islands that skirt its coast. Ossabau, Saint Catherine, Sapelo, St. Simon, Jekyl, Cumberland, and Amelia, as the principal islands are called, were discovered and partially colonized by Spanish priests and people from Florida as early as 1566.[69] The extant records show

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[68]BCA, Case 9-M5; printed in the *Records* (ACHS), vol. XIX, pp. 411-412. Cf. Ramsay, *History of South Carolina (1670-1808)*, vol. II, p. 37.

[69]Cf. Johnson, *The Spanish Period of Georgia and South Carolina History (1566-1702)*. Athens, 1923; *French Intrusions and Indian Uprisings in Georgia and South Carolina*, article by Mary Ross, in the *Georgia Historical Quarterly*, vol. VII (Sept., 1923), pp. 251-281. These two studies are based on unprinted Spanish sources. A valuable sketch of Georgia Catholic history, based upon the original Church records (an unpublished manuscript by Rev. T. A. Foley, of Savannah, Ga.), has been used by the writer. Bolton has published the first full and authentic history of the Georgia missions in his *Spain's Title to Georgia* (Berkeley, Cal., 1925), to which Miss Ross has contributed an

that for thirty years thriving little settlements existed, only to be destroyed in 1596. Georgia became after that date a sort of no man's land—the Debatable Land—the attraction of the Carolina settlers and the hinterland of the Spanish colony of Florida. It does not detract from the benevolent project of James Oglethorpe to realize that the planting of Georgia came about as the need for a buffer against the Spaniards began to be more and more strongly felt.[70] From 1616 to 1660, the Spanish Franciscans of St. Augustine visited the islands, reorganizing the missions, of which Santa Caterina was the largest and most prosperous, and during their half-century of labor they displayed all that is noble and inspiring, including martyrdom for the Faith, in their lives. The martyrology of Georgia for this period contains the names of Father Carpora, slain on Ossabau, Father Rodriquez, on Saint Catherine, Father Anton, on Jekyl Island, Father Francis de Velasco, on Saint Simon, and Father Davilla, on the island of Sapelo. The ruins of these missions are still to be seen.

After this period, active fighting for the possession of Georgia took place between England and Spain. In 1702, Governor Moore, of Carolina, sent out an expedition through Georgia into Florida for the purpose of razing the Spanish settlements in that colony. From the days of Oglethorpe's colonization to the outbreak of the American Revolution, few traces of Catholic life in Georgia could be found. The charter of 1732 granted freedom of worship to all persons "except Papists". The object of the colony was to assist distressed Protestants. The State Constitution of 1777 declared for freedom of conscience, but required that "all members of the Legislature shall be of the Protestant religion".[71] The Constitution of 1798 changed this restriction and stated that no person should be molested in his civil rights purely for religious principles.

In any accurate description of the state of religious liberty in the English colonies before the American Revolution, care must be taken to distinguish between legal disabilities placed upon the

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Introduction entitled, *The Debatable Land*, published separately (Berkeley, Cal., 1925). Illustrations are given in the Bolton-Ross volume of the missions as they are at the present time, and a complete bibliography has been added (pp. 353-364).

[70] Cf. Fiske, *op. cit.*, vol. II, p. 213.

[71] Cobb, *op. cit.*, p. 507.

"Papist" or Catholic colonist and the presence itself of members of that Faith in these colonies. Restrictions against Catholics did not necessarily exclude them from settlements like Savannah and Augusta.[72] There is an interesting fact that in the trial of John Wesley, in 1777, the founder of Methodism protested that a Papist was one of the jurymen. Peter Tondee, one of the founders of the Union Society (1750) for the purpose of caring for the orphans of the colony, was a Catholic; it was in his tavern that the first Sons of Liberty met on August 10, 1774, and in his "Long Room" the first Provincial Congress assembled (July 4, 1775).[73] Another Catholic whose name has come down to us is Cornelius McCarthy, who received a grant of land in the colony, on December 4, 1764. A short time later, he was arrested by the English soldiers of the colony on the charge of preaching independence. Georgia was still an infant colony when the Revolution broke out, and was a Loyalist stronghold.[74] In the combined attack on Savannah by French and American troops in 1779, six hundred French Catholic soldiers were killed, and among those who died in the siege was another celebrated Catholic, Count Pulaski.

Georgia received its first Catholic citizens from three sources: the French Catholic refugees from the West Indies, particularly from San Domingo; Catholic immigrants from the British Isles; and a colony from Maryland, which settled at Locust Grove, usually called "the cradle of Catholicism in Georgia."[75] The Maryland Catholics brought no priest with them, however, and the earliest

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[72]Cf. Proper, *Colonial Immigration Laws*, pp. 66-71. New York, 1900. "The records of the northern and southern settlements of Carolina are inextricably confused for many years" (*ibid.*, p. 67). On the Huguenot immigration, cf. Baird, *Huguenot Emigration;* Hirsch, *The Huguenots in South Carolina.*

[73]Stevens, *History of Georgia*, vol. II, p. 104. Philadelphia, 1859. On the problem whether there were Catholics in the Purrysbourg settlement (1733), cf. *Cath. Hist. Review*, vol. IV, pp. 535-539.

[74]Cf. Sabine, *The American Loyalists, etc.*, pp. 30-34. Boston, 1847; Siebert, *The Flight of American Loyalists to the British Isles.* Columbus, 1911; id., *The Legacy of the American Revolution to the British West Indies and Bahamas*, in the *Ohio State University Bulletin*, vol. XVII, no. 27.

[75]On the Acadian Exiles in the Southland and the treatment accorded to them in the Carolinas and Georgia, cf. Casgrain, *Un pélerinage au pays d'Evangeline*, pp. 135, 149, 199. Quebec, 1888. Other references in Guilday, *Carroll*, pp. 66-69. Shea (*op. cit.*, vol. I, pp. 421-440) has given a succinct account of the Acadian exiles.

beginnings of Catholic parochial life date from 1796, when Father Le Mercier, who probably came with the French refugees from San Domingo, took up his residence in Savannah.[76]

Dr. Carroll's attention had been called to the presence of Catholics in Georgia early in his episcopate. On May 25, 1796, he wrote to Archbishop Troy that he hoped some of the priests, members of the wrecked religious foundations in France who knew enough English, would look to the United States as a good opportunity to revive their religious houses, and he directed the Dublin prelate's attention to Georgia as one of these places.

> The climate of Georgia [he writes], about two hundred miles or less distant from the sea coast, is one of the finest in the world, as I am informed by some Catholics on whom I can depend and who have emigrated hither from this State. There health and plenty are found; considerable bodies of land are offered to any Catholic clergyman, and their successors, approved by the Bishop, who will settle there and exercise our ministry for the neighbouring faithful. I have been endeavouring for a long time to send an experienced and virtuous priest for their comfort, but can procure none but Frenchmen, who know too little English to begin such a work, and who could not be acceptable to our brethren there.[77]

The first record in the Savannah Cathedral *Register* is that of Le Mercier's blessing the grave in the old Colonial Cemetery of the priest who had preceded him, the Abbé Le Moine. No trace of his grave has been found, though it is thought the old vault in the Catholic section, near Abercorn Street, may contain the remains of Savannah's first priest.[78] Father Le Mercier made Savannah the headquarters for his missionary work between 1796 and 1802. The

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[76]Various articles in the *Records* (ACHS) give a rather complete history of the French refugees at this time. Cf. *John Keating and His Forebears,* by J. Percy Keating (vol. XXIX, pp. 289, 316); *San Domingo Refugees in Philadelphia,* by Jane Campbell (vols. XXVIII and XXIX). Rosengarten, *French Colonists and Exiles in the United States* (Phila., 1907), has a chapter on the exiles in the United States. A list of the Catholic refugees from San Domingo will be found in one of Mitchell's articles in the *Bulletin,* vol. II (1921).

[77]Moran, *op. cit.,* vol. III, p. 521.

[78]During the past few years, the Rev. Joseph D. Mitchell published in the *Bulletin* of the Catholic Laymen's Association of Georgia some exceedingly valuable sketches of the early Catholic history of the Savannah Diocese. Cf. *The Early Missionary Labors of Father Le Mercier,* in the *Bulletin,* for May, 1921, pp. 4, 15.

Cathedral *Register* shows that he also conferred the Sacrament of Baptism in the old island settlements. There is the record also of baptisms conferred on December 8, 1799, by Father Badad, S.S., who was on his way back from Havana, where Du Bourg and himself had tried to found a college.

On May 30, 1799, the city of Savannah gave a lot in Liberty Square for the erection of a Catholic church, and a year later the mayor laid the corner-stone, which was blessed by Father Le Mercier. The church, when completed, was dedicated to St. John the Baptist. In 1801, the State Legislature incorporated the "Trustees of the Roman Catholic Church of the City of Savannah", and the following names are given as members of the board: Don Emmanuel Ringel, Thomas Dolloghan, Thomas Collaghan, John Shaw, Francis Roma, Bartholomew Coquillon, and John Mocquet Montelet, the owner of the "Hermitage" near Savannah. One of the last entries at Savannah by Father Le Mercier is dated January 16, 1802. On February 10, 1802, Father Felix McCarthy's name appears on the *Register*.

Father McCarthy was in charge of the congregation from January to May, 1802, and after his unexplained departure, the parish was without a pastor until February 6, 1803, when Father Le Mercier resumed charge. Le Mercier visited the Catholics of Augusta, Locust Grove, and other towns. His first entry in the *Register* of Augusta is dated July 25, 1803. It was about that time that Bishop Carroll called him to Charleston for the purpose of settling the disturbance in that congregation. Here he remained until 1811, when he left for the West Indies, and he is believed to have been lost at sea. On December 7, 1803, Abbé Carles, who had been a member of the Asylum Colony in Pennsylvania, came to Savannah. His first entry is dated December 18, 1803. Carles remained until 1805, when he left for France. In February 1807, we find him back again at Locust Grove.[79] For a time he endeavored to minister to all the congregations in Georgia, but in 1810 Dr. Carroll sent to Locust Grove the Rev. Robert Browne, O.S.A., as resident pastor. Father

[79]On Carles, cf. *Records* (ACHS), vol. XVIII, pp. 245-261, 421-433 (Griffin, *A Colony of French Catholics in Bradford County, Pa., 1794-1800*); *ibid.*, vol. XXIII, pp. 199-200 (Excerpts from his correspondence); Mitchell in *Bulletin*, ut supra, vol. II, p. 6.

Carles remained in Savannah until about the end of the year 1819, when he returned to France. Later, he became Vicar-General to Bishop Cheverus, in Montauban. He accompanied Cheverus to Bordeaux, died there on March 30, 1834, and is buried in the Bordeaux Cathedral.[80] Browne soon became involved in the Charleston troubles together with Dr. Gallagher, and spent most of his time in that city.

Clorivière's return from France (November 27, 1815) was the occasion of the first of a series of misunderstandings which eventually carried the church at Charleston into schism. His friends in the city, in particular Mr. C. G. Cosslett, had written to Archbishop Carroll asking when he was to return. To Mr. Cosslett and to Mrs. A. M. Talvande, Dr. Carroll replied that he was able to give them the good news of Clorivière's immediate return. "My present intention", Archbishop Carroll wrote to Cosslett, on July 27, 1815, " is to restore him to your City, that he may perfect the work he began so auspiciously." Clorivière's friends had planned to secure for him a better home in the city. It is in this letter that we learn of Dr. Carroll's acquiescence in Gallagher's plan to have Father Browne divide his time between Charleston and Augusta, on the score that Dr. Gallagher had planned to tour the States for the purpose of collecting money for the Charleston church. But as Dr. Carroll writes,

> . . . . instead of his intended voyage, the Dr. has come to New York, as I am informed, and took the occasion, I presume, of inviting the Pastor of Augusta to supply his place; where I rejoice that he gives satisfaction. But at the same time, he is regretted and wanted in Augusta whence I received this week a gentle letter of expostulation for having consented to his removal after their very considerable exertions to build and adorn their Church.[81]

Archbishop Carroll anticipated no difficulty in persuading Father Browne to resume his labors in Augusta, once Dr. Gallagher returned from the North. On October 28, 1815, Dr. Carroll wrote to Mrs. Talvande:

> I expect that your Rev. and excellent friend, Mr. Clorivière,

[80]Cf. Mitchell, *Historical Sketches of the Parish of St. John the Baptist, Savannah,* in the *Bulletin* for August, 1921, p. 4.

[81]J. P. De Clorivière, *Further Documents showing the Cause of the Distressed State of the Roman Catholic Congregation in the City of Charleston,* pp. 4-5. Charleston, 1818. A copy of the original letter will be found in the Prop. Arch., *Scritt. rifer., Amer. Cent.,* vol. 5, fol. 34-35.

> is now on the ocean and on his return to America .... It is probable that he will land at New York, Philadelphia, or Baltimore, and thence proceed to Charleston. In my letters to him I always insist upon his viewing that situation as the future theatre of his zeal.[82]

That Clorivière was to a certain extent unwilling to return to Charleston, is evident; but when he reached that city in November and learned from his friends that Archbishop Carroll wished him to remain there, he promptly obeyed. On the day of his arrival, he called upon Browne and informed him that he would be willing to go anywhere else, if Browne intended to stay. "The Rev. Gentleman assured me in the presence of a friend", he writes, "that he had not considered himself permanently settled in this city, and had no wish to remain in it."[83]

The death of the Archbishop (December 3, 1815) and the removal of his firm hand on the Church of God in this land was the opportunity sought in more than one congregation for the expression of a state of independence from episcopal authority. After Browne's departure, the Rev. John Egan was sent to Augusta. His stay was short, and his scandalous conduct was the shame of the American Church at the time. When Father Samuel Sutherland Cooper came to Augusta, in 1819, he found the little congregation sorely tried by the public attacks on Catholic doctrine, especially on the Blessed Sacrament, being made by the apostate Egan.[84]. A tradition of those days should be recorded here. Egan's attack upon the Real Presence was met in a rather startling way by Father Cooper,

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[82]*Ibid.*, pp. 5-6. Archbishop Carroll wrote on July 27, 1815, to Mr. Datty of Charleston of his "determination to reappoint your kind and excellent friend, Mr. Clorivière, to his station in Charleston at his return" (Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 14).

[83]*Ibid.*, p. 4.

[84]Egan apostatized and on December 1, 1819, married Mrs. Mary H. Phinnezy, it is said, before the Protestant Episcopal Bishop of Richmond, Va. [Cf. *Records* (ACHS), vol. VI, pp. 36-37, vol. XXII, pp. 240, 250; *Researches*, vol. XI, p. 192.] In the BCA (Case 21A and T3) there is a clipping from an Augusta newspaper, dated July 16, 1819, which contains a letter from Egan giving a pitiable explanation of his conduct. One of Egan's letters to Maréchal, dated Augusta, March 1, 1819, deserves to be cited (BCA—Case 16—H2): "*My Lord*:

"It is with much pleasure I communicate to you the pleasure of Your Lordship's intended visit has excited among my deserving little congregation. The appearance of an Archbishop in Georgia will form an interesting little Epoch in the annals of our infant church. Be not alarmed at the expenses. We will contribute our mite. St. Paul crossed the straights of Messina in his journey from Jerusalem to Rome to confirm the Brethren of the Faith.

who stated that there would be a proof given the following Sunday morning of the truth of Transubstantiation. A dreadful fear came over him after he had made that rash assertion, and he is said to have spent the time before the following Sunday in constant prayer to God to intervene and to save him from ridicule. The little church was crowded that morning at Mass, and at the moment of the Consecration, Father Cooper uttered a loud cry of amazement, for when he elevated the Sacred Host, it is said that the Precious Blood ran down his fingers and hands to the corporal.[85] Father Cooper remained in Augusta until 1822, and visited occasionally the other Catholic centres. We shall meet him again at several interesting crossroads in the life of Bishop England, for he has a unique, if not pathetic, place in the American Church.

The historian of the Diocese of Charleston will find many more facts than these for a complete narrative of Catholic life in the Southland before Bishop England's coming. Scattered all through these three States both before and immediately after the American Revolution were Catholics who were pioneers in building the towns and in starting the social, political, and educational life which is so thoroughly distinctive of the South at the present day. How many of them were lost to the Church, through the lack of spiritual ministration, will never be known; but the loss must have been considerable, even if it is not computed on the basis of the numbers given in Dr. England's *Diurnal.* Many others left the Church during the scandals created by the Charleston Schism, the origin of which must now be described.

"The wavering and unstable Catholics of the South stand much in need of the graces of Confirmation, and in coming to administer them Your Lordship will have to cross there many defiles formed by the Pine Barren trees produced in our sultry regions. I hope your Lordship will come accompanied with one of our eloquent coadjutors, as the people of the South are on the tip toe of expectancy for something great from the satellites of an Archbishop. With every sentiment of respect, I am, *Your Lordship's servant in Christ Jesus,* JOHN EGAN."

[85]A short sketch of Father Cooper will be found in White, *Life of Mrs. Seton,* pp. 484-485. Baltimore, 1879. The "Miracle of Augusta" still lives in legend, but no reliable document could be found for its authenticity. The first succinct sketch of Father Cooper is by E. M. Flick, in the *Records* (ACHS), vol. XXXIII, pp. 300-316. Miss Flick does not refer to the occurrence mentioned in the text. Cf. *The Toothless Priest, Samuel S. Cooper, etc.,* in the *Researches,* vol. XV, pp. 17-32. Dr. England speaks of Cooper: "Having learned the bad effects of Rev'd Mr. Cooper's injudicious zeal in Augusta, by a letter from John Cormick, Esq., and finding that he was going to the North, etc." *Diurnal,* p. 46.

CHAPTER VI

The Beginning of the Charleston Schism (1815-1817)

Leonard Neale was approaching his seventieth year when he succeeded the illustrious Carroll as second Archbishop of Baltimore, on December 3, 1815. Carroll's legacy, heavy as it was in responsibility, contained but one serious diocesan difficulty, the *trusteemania* of the cities of Norfolk and Charleston. As storm-centres of rebellion against the spiritual jurisdiction of Baltimore, these Southern cities had become the cynosure of all other factionist groups in the American Church. The problem at issue was essentially the same as that which had kept the Catholics of New York, Philadelphia, and New Orleans in a turmoil: the alleged right of patronage. The causes for the disturbance were the same. The methods used by the recalcitrant clergy and laity were similar. Each schismatic group, basing its claims for autonomy upon a Gallican interpretation of Canon Law, boded grave disorder to the Church within its own State. The real danger, however, arose when factions from New York to Savannah sought to form a racial coalition for the purpose of forcing the trustee principles upon the American bishops of the day through civil legislation. Failing in this, they were planning at the time of Archbishop Maréchal's accession to the See of Baltimore to secede from the jurisdiction of the American hierarchy and to set up for themselves under schismatic bishops an independent American Catholic Church of their own creation.

The Catholic Church in the United States has often been disturbed by this spirit of racial trouble. In many of the difficulties that have arisen since the organization of its hierarchical life, racial antagonisms have been present. Apparently, throughout much of this period one race has predominated in point of numbers and in point of representatives in the Sees of the country; and those who have broken with central diocesan rule have often made the claim that it has been the inability of the influential class in the hierarchy to

understand certain insurmountable racial sentiments and policies which caused them to set up independent churches. It is highly significant, therefore, to witness in these early days of our organized Catholic life the fact that it was this same spirit of unrest over what was claimed to be a deliberate ignoring of the Irish element in the affairs of the Church on the part of the Holy See which brought the discipline of the clergy and laity to so dangerous a pass.

The Irish Catholics, cleric and lay, who came to the United States during the period previous to 1815, apparently came with certain prejudices regarding Church administration. Father Patrick Smyth's *Present State of the Catholic Missions conducted by the ex-Jesuits in North America* (Dublin, 1788), contained calumnies against Carroll and Neale and the rest of the American clergy which did grave harm to their good name. The repetition of the old-time charges which had blackened the history of the Church in England during the Secular-Regular controversy was bound to create animosity between the priests who had borne the burden of the day and the heats for so many years, and the bustling and somewhat arrogant type of clergymen who came here to enjoy a liberty and in some cases a license which Ireland did not afford. With the coming of the Sulpicians in 1791 and with their steady progress in the organization of the Church here, the feeling of animosity was diverted from the former members of the Society of Jesus to these French clerics, so many of whom rose to episcopal honors after 1808: Cheverus, Flaget, Du Bourg, Maréchal, David, Dubois, Chabrat, Portier, and Bruté. For reasons that need not be entered into at this moment but which can easily be surmised, the belief was expressed at the time that the proportion between the number of French priests laboring in our poorer missions was strikingly lower than would warrant such a generous choice from their ranks for episcopal Sees on the part of Propaganda Fide. The Irish clergy did not consider it blameworthy to promote the idea that the future of the American Church was in danger with so many "foreigners" in the seats of the mighty. It is necessary to accept the Irish clergy at this time at their own estimate of themselves, if we are to judge this first of a series of politico-ecclesiastical tendencies with which the Church in this country is familiar. Their own estimate of themselves was that they quickly became Americans. The absence of

certain failings, political and moral, among the French clergy, placed their priestly lives in contrast with too many of their clerical brethren from the Emerald Isle. With Celtic loyalty, however, this fact had little or no effect upon the groups of Irish laymen in New York, Philadelphia, Norfolk and Charleston. In these centres the anti-French spirit grew stronger as the years went by, and in the case of Norfolk and in that of Charleston, the stand was taken quite bluntly: they would not have a Frenchman placed over them; any other race would do, but no French priest was welcome.[1]

One exposition of this racial animosity is to be found in a letter to Propaganda, sent from New York on July 30, 1817, by Father Carbry. The Irish Dominican was a keen observer and before coming to America had had a distinguished career both in Rome and in Ireland. He was, like all the Irishmen of his day, *foncièrement* patriotic, due in large part to the intense feelings aroused by the struggle for Emancipation. Carbry states that the majority of the Catholics here were of the Irish race. They and their children had built the churches, supported the priests, fought for the Faith, and in some cases had practically impoverished themselves to found the Catholic religion in the young Republic. In spite of all these sacrifices, Father Carbry pointed out, the administration of the Church in the United States was in the hands of the French clergy. French ecclesiastics, he wrote, were favored over the Irish and the American clergy. French bishops ruled every See but one. On no point were the Irish so sensitive as on the exposition of their faith from the pulpit. It robbed divine service of all attraction for them to hear Catholic doctrine expounded in a way that amused Protestants and held the Church up to ridicule. Many Irish priests in Ireland were willing to come to the United States and to devote themselves to the poorer congregations, but they were held back by the fear that the bishops were almost all opposed to their race. Apart from the judgment that may be passed upon Father Carbry's interpretation of the fundamental cause for the bitterness which existed, it must be admitted that the appointment of the two French priests, Fathers Lucas and Clorivière, to two such pronouncedly

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[1]Cf. Guilday, *The Church in Virginia (1815-1822)*, pp. 59-60. Monograph Series, No. VIII, United States Catholic Historical Society, New York, 1924.

Irish-American congregations as Norfolk and Charleston was not calculated to win the sympathy of the leaders of the faithful in these cities.

The beginning of the Charleston Schism can be traced to the action taken by Father Robert Browne, when the news of Archbishop Carroll's death reached that city. The pacific or indifferent attitude he had shown towards Clorivière changed abruptly and his expressed displeasure at the French priest's presence in Charleston met with the approbation of the trustees of the little church there. To avoid any open break with Browne and the trustees, Father Clorivière went to Savannah, and from there wrote to Father Tessier, the Vicar-General of the Diocese, regarding the ominous situation then arising in Charleston. On December 22, 1815, Neale repeated his directions to Clorivière, ordering him to remain in Charleston, and requested Browne to return to his old post at Augusta. Archbishop Neale gives as his reasons:

> 1st. Because my Rev. Predecessor had determined to regulate matters that way. And, 2ly. Because the Rev. Mr. Browne, in my calculations having been established in Augusta before, must have a better knowledge of the people of that place than you can possibly have, and you being priorly acquainted with the Faithful of Charleston would be able to move more profitably to religion than otherwise would be in your power. In any supposition, I now direct Mr. Browne to return to his old post in Augusta and there to reassume the care of souls formerly committed to his charge by my worthy predecessor; and I appoint you to the same charge and care heretofore entrusted to you at Charleston.[2]

This letter was laid before the trustees, and was also presented to Father Browne, who promised to obey its mandate.

Clorivière then returned from Savannah, but was received rather coldly by some of the trustees, four of whom, however, assured him of their loyalty. The trustees had, it seems, taken offence because Archbishop Carroll had written to members of the congregation regarding Clorivière's re-appointment, and not to them as the official body of vestrymen in charge of the administration of the church. They refused to accept Clorivière as their legitimate pastor until they had been so notified by Archbishop Neale.

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[2]BCA, Case 12-G1. Cf. *Further Documents etc.*, pp. 6-7.

> Had I been totally a stranger to these gentlemen and to the Congregation [writes Clorivière], there would have been some plausibility in these objections; but they should have been removed by the explanations of the Archbishop, whose letter was of such nature, that it was equally mandatory on Mr. Browne, the Vestry and myself. Never before in the Catholic world had such forms been thought insufficient; nor such pretensions set up by men charged with the interests of Catholics. Supported by these Trustees, Mr. Browne was not the man to return to Augusta and resign to me the pastoral charge of Charleston.[3]

Browne's attitude regarding Clorivière's reappointment and regarding his own return to Augusta is expressed in a letter to Archbishop Neale, dated Charleston, January 3, 1816:

> The first account that reached me of the afflicting news of the death of our late and ever to be lamented Archbishop was on the 2nd Sunday of Advent, through the medium of the Baltimore news-papers which were received here on that morning. This mournful event was intimated to me at the moment that I was preparing to celebrate the parochial Mass and where I announced it to the Congregation. It immediately spread over this portion of the flock of Charleston the deepest sensations of grief for the departure of their highly-beloved Archbishop. The occasion demanded this tender tribute; for while the Catholic Church of America had so great cause to mourn, it is but fit and natural that her children should sympathize in her sorrow. On the following day, Monday, the holy mass of Requiem, and the solemn and holy funeral obsequies were performed and offered for the repose of his soul.
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> The circular of the 4th Ultimo containing your Grace's instructions concerning this event I received the 18th which shall be strictly complied with in all its injunctions.
>
> Your Grace's succession to the high and important office so lately occupied by this great and virtuous man, is, I trust, auspicious of the future progress and advancement of our holy Religion in America. This instance evinces that pastoral solicitude, which he ever manifested for his flock and corresponds with the whole tenor of his conduct through life. What solid consolation it must have afforded him in his last hour to reflect that he had provided under divine Providence that infant Church which he had so long cherished and

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[3] *Further Documents etc.*, p. 7. Clorivière's letter to Neale, dated Charleston, December 18, 1815, gives the details of Browne's attitude (BCA, Case 12-H4).

nourished by his fostering care and zealous labors with a zealous and apostolic Pastor for its future guidance. May the Almighty assist you in your high station. May his grace, which alone can enable you to discharge the arduous duties of your office, co-operate with your zealous endeavors to guide your flock in the paths of righteousness and salvation. This is the sincere and daily prayer of the most unworthy Servant of God.

A few days since Mr. Boutan handed me a letter of your Lordship, addressed to Rev. Mr. Clorivière, wherein you desire me to return to my old post, Augusta, and take charge of the Congregation of that place. With these, or any other order of my Ecclesiastical Superior, I am both willing and ready to comply. But I must confess that I was not a little surprised to see these orders, as likewise to see your open letter presented by a lay-man. I must beg leave to inform your Lordship that I never solicited for the situation of Charleston, but was invited by Rev. Dr. Gallagher, who had obtained the concurrence of your Predecessor in this affair to join him in the arduous and painful duties of the holy Ministry in this place. Of this your Lordship will be more satisfactorily convinced when you will please to read the two following extracts of letters of the late Archbishop to Rev. Dr. Gallagher: "I cannot help observing that I was pleased to hear from you, and that your letter contained no complaint of your health: it would have been more welcome had it mentioned anything concerning the Rev. Mr. Browne and your project of associating him with you, for I am entirely convinced that you alone will not be able to comply as you would wish to do, with all the fatiguing duties of your station. The plan proposed by you held out the most advantageous method I can think of, for filling up the void produced by Mr. Clorivière's departure."

Extract of a letter of Rev. Dr. Gallagher, to me on the same subject: "The present period is interesting to us both, as it presents an opportunity of gratifying a wish, which I have long entertained, and in which I hope you join me. I mean your being placed in Charleston. I am now under a necessity of writing to the Archbishop relating to the departure of Mr. Clorivière, which is immediately connected with your appointment when you shall allow me to propose it." Now I gave my assent to this proposal of Dr. Gallagher who shortly after writes me a letter to hasten my departure and mentions that the Archbishop was equally anxious to hear of my arrival here. The great hurry in which I am at present, permits me not to put my hands on this letter but must beg leave to refer

you to Rev. Dr. Gallagher for every information on this subject. I daily expect his arrival from the Northward. I sincerely regret that he is absent at this moment. I as well as the entire Congregation have always considered my appointment to this situation as permanent. Previous to my quitting Augusta I had taken my leave of the Congregation there in a farewell discourse, I had disposed of all my effects, and moveables. I therefore intreat your Lordship to examine into the merits of this subject. Be persuaded and assured that I have no particular desire to remain here, nor do I now solicit the ratification of the appointment, but from a sense of duty and a love of peace and tranquility I conjure your Grace to suspend your final decision in this business; at present, I abstain from mentioning many circumstances connected with this affair lest my intentions in doing so be misinterpreted. I again conjure you in the name of Religion, of Justice, and as you regard the peace and tranquility of this portion of the flock of Chn., committed to your charge, to suspend your decision until you maturely consider the various hearings of this case, which has now by subsequent circumstances assumed an important shape and is become highly interesting to our holy Religion in this quarter. I shall patiently wait your Lordship's further orders, and which I shall always conceive it to be my duty to obey.[4]

Archbishop Neale had this letter in mind when he wrote to Clorivière, on January 17, 1816, stating that he had received "several communications intimating considerable opposition" to Clorivière's appointment, and "holding out most serious apprehension of a long train of future dissensions and disturbances in the Congregation." He then asked Clorivière to send him accurate information on the situation and told him that he was free to resign, if he believed such action advisable: "Should you observe sufficient reason to induce your apprehensions of future troubles arising out of the adopted measures, as I know you would not be willing to be the cause of troubles or to live in the midst of troubles without profit or advantage to others, you have my leave to inform the Congregation that, rather than be the cause of trouble and discord among them, you would withdraw yourself from the post in which you have been placed, and then inform the Archbishop of the motives for declining his appointment." This letter apparently

[4]BCA, Case 13-02.

reached Clorivière on February 11, 1816, and he resigned immediately.[5] Archbishop Neale had written on February 4, in answer to Clorivière's letter of January 8, communicating to the harassed priest his "further sentiments for your regulation":

> 1st. Therefore you have my approbation and thanks for proceeding as you have done. Your cautious moderation with Mr. Browne was prudent and such as I would have suggested to you had I entertained any doubt of his willingness to obey my directions. It must certainly speak in your favor with the vestry to whom my orders to you and Mr. Browne relating to your respective locations or appointments were made fully known. It must clearly have pointed out to them your temperate and amiable moderation in the transaction of the busyness.
>
> 2nd. Since the receipt of your unanswered letter I have seen Mr. Gallagher, and observing in my conversation with him that you would probably have much to suffer, were you to continue with him, on account of his attachment to Mr. Browne, and that eventually it might produce some scandalous party spirit in that devoted and trying circumstances. Hence you have my approbation to inform the vestry that as you did not wish to involve the Congregation in disturbance, you would retire and request your superior to appoint you to some other place where you might contribute to that peace and harmony obedience alone can impart. I shall not write to Mr. Browne until I hear from you what turn affairs have taken; and then he shall have my sentiments on the whole subject.
>
> In a former letter you requested to retire to Savannah. I believe there is a priest appointed to the care of the faithful in that part of the Country. However I should be glad to know more particularly what number of Catholics are there; and their relative circumstances. Should you return hither you might have an appointment in our neighbourhood. The Dis-

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[5] *Further Documents etc.*, p. 7. In Clorivière's letter to Neale, sent from Charleston, under date of February 11, 1816, there is the following declaration: "This day, I, undersigned, appointed pastor of this congregation by the Most Rev. Archbishop Neale, by letters of the date of the 8th and of the 22nd of December last, meeting a scandalous opposition from some members of the Vestry and another person who obstinately refuse to acknowledge and obey the mandate of the said Archbishop, particularly the one of the 22nd of December last, as I will not be exposed to any more of such disagreeable and trying circumstances nor wish to involve the Congregation in disturbance, I have declined the appointment by permission of the Archbishop, having written to him for that purpose" (Hopkins, *op. cit.*, p. 28).

poser of all things wisely guide us as to the completion of his holy will. I shall expect to hear from you as soon as you can take any decided step. In the meantime, may the blessings of heaven crown your zealous endeavor and render you more and more acceptable to his divine majesty.[6]

It was in reply to these regulations and in order to give the Archbishop an account of his action of February 11, 1816, that Clorivière penned the following letter, dated February 12:

Your favor of the 4th instant was received by me yesterday as I was going to say Mass, and the Vestry having met immediately after, I did not hesitate to give them my resignation of the pastoral charge, according to the authorization I had obtained from your Grace. In this I thank you, my Lord, to have given me the information yourself, and before I should receive it from Dr. Gallagher by whom it would have been a triumph for my enemies. You know, from my uniform declarations, that I would not contend against the Doctor.

A thing I wish your Lordship would understand, is that although these 3 or 4, let us say, 6, enemies of mine in this Congregation are all great democrats, and although my political opinions are the apparent subject of their opposition to me, I do not believe that is the real one, for Dr. Gallagher their friend is no Democrat at all, and amongst mine I can count many of a different opinion than mine in politics. Besides, I am by no means a politician, nor so much carried by party spirit, that I will communicate my thoughts on this subject to every one; far from this, I have very little occasion to speak politics in this place, and I do not trouble myself at all about it. The real cause, I think of their dislike, is that I am more scrupulous in many things than the Dr. has been for twenty years, and endeavor to bring them to things they will not come to. The time is come here of which the Apostle speaks, *cum sanam doctrinam sustinebunt.* I could not expect to find better dispositions in Savannah nor in Augusta; particularly in this latter place where they have had a priest only for four years, but a Priest who neither taught nor required anything from them. In Savannah the Rev. Mr. Carles is a man of regular habits and good behavior but rather sickly, cold and tepid. His chapel is in a most languishing state—15 or 20 people of color are the edifying part of it. I know but one family who wish to do well but who are not encouraged or taught to do it. Nothing but the most express Command of your Lordship could make me go to any of these places, even

[6]BCA, Case 12-G1.

if they were vacant. In my last letter of the 5 of this month, I explained to you that it would seem to my friends a judgment against myself, if I was to accept the place of Mr. Browne at Augusta.

Therefore, my Lord, as you seem not to have any positive appointment where I should be wanted absolutely, as the causes, I can say the scruples, which had moved me to return to this country are cleared off, I beg of your Grace leave to return to my own, where I have hopes to be useful which were out of my sight when I left it. The *Exeat* I had received from your Reverend Predecessor will procure me everywhere too honorable a reception, if you permit me to use it.

However, my Lord, I do not recede from my proposal of last week to answer the entreaties of my friends and perhaps their wants. Alarmed since yesterday, and quite dejected or almost in despair, by my resignation they propose seriously to form a separate congregation. Could a suitable place be fixed upon (and they have one in view), and your leave granted, I have little doubt that I would have subject to rejoice at all that which has taken place, and in a little time have much more comforts, spiritual and temporal, than I would have otherwise expected in this place. My Lord, I will attempt it, if you permit it, and not depart until I have made that experiment to relieve the distress of my religious friends. The Doctor will have no right to complain. And I always endeavor to live in the best terms with him, but perfectly independent of him, if it pleases your Lordship, as Archbishop Carroll did not impose on me any other submission to the Doctor than what his seniority inspired me with. The only proposal of this plan could possibly make the Doctor wish for a reunion with me, and almost infallibly so, if your Lordship refuses to him the assistance of Mr. Browne who, besides would have great difficulties to regain confidence, with the religious part of the Congregation. That refusal, for many other reasons, I think most requisite.

But that reunion, Most Rev. Sir, I would not wish nor perhaps consent to because I truly hope that a division or another Chapel, should produce some religious advantages, and it is perhaps to bring them, that Providence has permitted all these troubles. It does not seem certain, that when you wrote your last letter you had received mine of the 15th, of the 22nd, and of the 29th Ultimo, but they will have been remitted to you ere now. And if your Lordship do not find more occasion to praise my moderation with Mr. Browne, you will find some excuses to my resentment, in the ——— conduct of

that Gentleman towards me. However, I would not resent it any more, and if he were only disposed to receive my civilities, which I have offered him several times in vain, I would do it again.

I begged several favors of your Grace, which occasion could render again very acceptable. 1st. in case you permit me to open an oratory, leave to say two masses on Sundays and festivals, for want of which there is no Communion on these days. 2nd. even in case you permit me to depart, leave to say Mass in my room or in a private house until my departure, in case I be compelled by some vexation to me or to my friends in the Church, to abstain from going thither.

I have been encouraged, Most Rev. Sir, by the indulgent kindness of your letters, to write freely on these subjects, though however intent on them I may appear, I refer myself entirely to the will of our adorable Redeemer, which I will acknowledge and obey in the will of your Grace.[7]

Clorivière had now decided to gather his little flock into a congregation apart. The following day (February 13), he wrote to Neale that he had become "more convinced of the practicability of the plan . . . . to wit, of forming another Congregation in this City, mostly in favor of the French, but where I am assured a good number of English hearers would assemble." Lest this should cause a schism, he was willing to effect a union with Dr. Gallagher, providing the latter would not take advantage of it to neglect his own congregation by idle journeys to the North. At the end of this letter, Clorivière says: "I suspect, my Lord, that the Doctor wants to become Bishop of Philadelphia or of this place."[8]

Meanwhile (January 26, 1816), Browne had given to Gallagher an account of the situation as it stood then, in reply to the letters of January 11 and 18:

Your two esteemed favors of the 11th and 18th inst. afforded me and our friends, much ease of mind and consolation, especially the last, as it gave us, agreeable to our expectations, the pleasing news of the favourable issue of this disagreeable business. As you say, no matter what forms and declarations, I assure you they cannot have any weight with me. I wish from my soul this Gentleman may retire with honor to himself for the sake of the Priesthood; but that is impossible after what has taken place.

[7]BCA, Case 12-H7.
[8]BCA, Case 12-H8.

Last Sunday being the day for electing the members of the Vestry, Cosslett displayed his usual talent for cunning and intrigue, he succeeded to influence some insignificant and flimsy characters to vote for his ticket, and availed himself likewise of an obsolete by-rule standing on their books; which was never revised or repealed, that sets forth: "Any person giving ten dollars, in the course of the year, as a donation to the Church is entitled to vote on the day of election for members of the Vestry." Several French men (who I am told have not been inside the Church for many years) came forward on this occasion, paid their donation of ten dollars to the church and voted for him. The consequence of this vile conduct was, that our respected and warm friend Cassin was put out; and Mr. Donovan elected a member of the vestry. All the old members (Mr. Cassin excepted) are returned. There was much confusion and contention on that day among the Voters, and had it not been for the holiness of the place the consequences would have been serious. But the election I believe of those who are not Citizens, is void, as they cannot be members of any corporate body. At least I suggested the ideas to Col. Phelon, but shall not be acted upon without mature consideration and after legal advice is obtained.

Mr. Donovan returned to this place in the Fall, and I acted agreeably to your instructions.

Four boxes of your excellent work arrived safe and in good order, the one you intended for Genl. Pinkney, Mr. Ryan gave to Mr. Cosslett to present to him, which I suppose he has done. Mr. Ryan kept one box, I sent two boxes to your friend Mr. Cogdell, who has the greatest number of subscribers, and one box I kept for myself, which I divided with Col. Phelon. So that all, at least what I had are disposed of and the other subscribers are crying out for more, you will not delay in sending them. I am much grieved at the serious loss you met with but am still more uneasy about your great anxiety of mind respecting other things. I knew from what you tell me that you have much trouble and many difficulties to encounter but you must find solace and relief in reflecting on the great good you have done in so ably defending the cause and aiding the spread of our holy religion. All friends with the warmest affections salute you and long for your return. Indeed I am much disappointed, I did not think you would retard it so long. Your immediate presence here would be productive

of the most happy consequences after what has happened. I am as usual,

Your affectionate Friend,

R. BROWNE.[9]

The first open violence between Browne and Clorivière took place on February 2. The following letter to Archbishop Neale (February 5) gives the details of this scandalous occurrence:

A scandal took place on the morning of the Purification day. The Rev. Mr. Browne broke in the Vestry room where I was hearing Confession before Mass, which on account of the feast I had postponed half an hour, and without paying the least attention to my expostulations, took possession of the room. I regained it, however, but then he wanted to say Mass himself, though every thing was prepared for me. All these were the more improper and outrageous because I had given him notice the day before of the intended devotions, and desired him not to come before 8 o'clock, but he says I have no rights in the Church, that I am no Pastor. When he perceived however that I would not yield easily, and that I could be supported by my friends, he desisted. He has offered me several other insults the past week which have drawn on him some severe rebukes from me, though they should perhaps have excited pity before indignation, for he shows not sense nor consistency in his words and measures. Something seems to have raised his expectations. Either from Dr. Gallagher's or from the post-office, he knows or suspects that I have received lately a letter from your Lordship, and three or four times he puts me this question in a very abrupt and imperious manner. I eluded it at first, and this encouraged him. Then I said I had received none that I should communicate to him. He could never draw another answer from me, but his pretensions seem raised, as he continues to exercise the pastoral functions, Bap-

[9] *Ibid.*, Case 13-03. The work in question was entitled *A Brief Reply to A Short Answer to a True Exposition of the Doctrine of the Catholic Church touching the Sacrament of Penance* (178 pp.), which Gallagher published in New York, in 1815. In *The Catholic Question in America*, published by William Sampson (New York, 1813), there is an Appendix entitled *A True Exposition of the Doctrine of the Catholic Church, touching the Sacrament of Penance, with the Ground on which this Doctrine is Founded*, from the pen of Father Anthony Kohlmann, S. J., the principal in the celebrated Confession Case, the account of which is given in Sampson's compilation. Charles Wharton, the apostate, wrote a rejoinder to Kohlmann entitled *A Short Answer etc.* (Philadelphia, 1814), and it was Wharton's pamphlet that Gallagher answered in his *Brief Reply etc.* Cf. Finotti, *Bibliographia Catholica Americana*, pp. 74, 232-234. New York, 1872. A copy of Gallagher's book, now very scarce, is in the library of the American Catholic Historical Society of Philadelphia.

tising, etc. even when I am present and I could do it myself, if I did not prefer to be patient. This merit in me, I am sure, he will not acknowledge nor his friends, who forget, or affect not to disbelieve the provocations he has given me and those he continues to give.

From these circumstances, My Lord, and from your last letter, I apprehend a bad intervention from Dr. Gallagher. He will perhaps persuade your Grace that he will compromise everything to the satisfaction of all parties, but, when arrived, unable to condemn his friends, he would let himself all on their side, and then offer me for arrangement to go to Augusta. Certainly now, it being publicly known that I have been insulted by Mr. B., his stay and appointment for Charleston would be a judgment against myself and against those who from motives of religion alone have approved my conduct. Such judgment would be so severely felt by them, that moved by their suggestions and desires, I beg your Grace, in case of concurrence of the Doctor and Mr. Browne, to permit me to open a private oratory in favor of those whose conscience would be considerably agitated by that scandal. The only apprehension of that private chapel or oratory becoming a public one better attended than his, would probably bring the Doctor to be contented with me. But if not, I do not see how religion here shall ever recover from its languid state, I could say almost desperate state otherwise than by offering this remedy to those who will be well disposed.

An oratory or another Chapel should not be considered as a schism or Mission with Dr. Gallagher's, but as the shaking off the yoke of some protestant-like men who have a power over him and pretend it over every priest, pastor, and even your Lordship himself. The reasons publicly assigned would be that the present Church is too small, the pews too few and too high, to accommodate all the families. That the Doctor does not give instruction to the French (his fine sermons, indeed, have not even instructed his friends, perhaps not his own family), and there is a considerable number of French in this place who do not understand a word of English.

It is probable, my Lord, that before this letter reaches you, you will have seen again Dr. Gallagher, and given him orders, instructions or special powers concerning us, but I entreat your Lordship if these orders do not destroy the apprehensions I express in the present letter, to favor me with an answer on this subject.[10]

[10]BCA, Case 12-H6.

The trustees who opposed Clorivière's reappointment, had written to Dr. Gallagher, and a stormy scene must have occurred at Georgetown, when the Irish priest called to express his disapprobation of Archbishop Neale's action. On February 9, 1816, Gallagher wrote as follows to Browne:

> Sometime ago when I first heard of Mr. Clorivière's arrival at Charleston, I was not a little surprised, as I knew that on his departure, he had received from the late Archbishop a complete *exeat*, which dissolved every tie and connection between him and the American Mission; but when I was afterwards informed that he intended to act as my Curate without my knowledge, permission or consent, I was astonished at the *impudence* and *irregularity* of his procedure. He has evidently taken advantage of your mild disposition; but all his proceedings and the means he has employed are *uncanonical* —you will therefore notify to him the following declarations, and certify to me in your next that you have notified them, and inform me of the result.
>
> 1st. That he is not my Curate as he well knows, and that I consider his refusal to deliver up to you the Register, as a *violation of pastoral rights.*
>
> 2dly. That you, Rev. Mr. Browne, are my Curate *regularly appointed* and sanctioned by Archbishop Carroll and myself *his Vicar*, and that you also have a right to exercise the parochial functions in the Congregation of Charleston. 3dly. That I consider all the acts of parochial duty, which he has exercised as illicit; and the monies he may have received, as not belonging to him. 4thly. That if he does not immediately desist from his schismatical proceedings I shall lodge a formal complaint with the Archbishop, and resort to every means authorized by the common law.
>
> So far as this letter regards Mr. Clorivière, so far you may read it to him, but after the affair of the Register, you cannot trust it out of your own hand. You may also communicate the purport of it to . . . . and to any other respectable men, who may have been deceived by false representation. The errors of some may have been excusable on this account, but the true state of the case being known, no conscientious man will involve himself in the Guilt of Schism. I shall soon write to my Parishioners with renewed sentiments of pastoral affection; and I am persuaded they will feel very tender indulgence for an absence, which has been prolonged in promoting religion, and which may not again recur for many years.[11]

[11] *Further Documents etc.*, p. 8. A copy is in the BCA, Case 12-G-3.

This letter, Clorivière says, was read to him on February 17 by Browne. "Nothing could have caused me greater surprise; and scarcely believing my ears or the reader, I requested to peruse myself that strange communication, which was granted to me as far as prudence had prescribed; but the same principle was not obeyed in giving out copies of that instrument of agitation. It was circulated through town, and one was brought to me . . . . which I forwarded to the Archbishop."[12]

That same day Clorivière sent the following account of the incident to Archbishop Neale:

Most Reverend Sir:

A new scene took place this morning which obliges me to interrupt again your other occupations. The Rev. Mr. Browne stopt me in the Sacristy and read to me a letter which he had just received from Dr. Gallagher, dated Baltimore, Feb. 9th, in which the Doctor says that having obtained my *Exeat* from Archbishop Carroll all my ties were dissolved to the American Bishops. That he is therefore extremely astonished and hurt at my pretensions to the pastoral functions in his own Church. Since he has not appointed me his *Curate*, that it is he, Mr. Browne, who is his only *lawful Curate* entitled to all rights and emoluments arising from the place, and that if I do not leave instantly my *Schismatical* opposition, or all pastoral functions in his Church and *return not* to him what money I may have received for them, he will lodge a complaint against me before you. These are, as much as I can recollect, his own words.

I answered: That, I never held my powers from Dr. Gallagher, but from Archbishop Carroll who had appointed me *Joint-Pastor* with Dr. Gallagher, to whom I owned no other submission than respect for his seniority which I had always shown. That he, Mr. Browne, perfectly knows that I received my late powers, in virtue of which I exercised the pastoral functions, from Archbishop Neale, who by the same ordered him to go to Augusta, and therefore made cease every right that he might claim as *Curate* from Dr. Gallagher. That it is most astonishing that he sets up the powers of Dr. Gallagher against those of the Archbishop. That such false title could impose upon some ignorant laymen, but never upon a priest. That he, therefore, knows the invalidity of it, and when he acts upon it, is in a state of Mortal Sin, and in danger to be damned. That it may happen, and probably will, since I have resigned all pretensions, that he be continued here and become

[12] *Ibid.*, p. 9.

Pastor. But that it being the result of his disobedience and rebellion against the Archbishop would rather draw the malediction of heaven upon him and upon his ministry than its Blessings.

Mr. Browne was very much agitated and troubled, said I insulted him, though in my tone and even expressions though strong, I wanted to persuade him of his own interest. He expostulated very much but without bringing any argument at all . . . setting up effectually . . . and being ready to support the authority of Dr. Gallagher to overrule yours. He is evidently directed in this by the Doctor . . . who is ready to carry things to the extremes against me, and perhaps against your Lordship's authority. As for me, I am not afraid of him, nor of both, nor of their important friends here. You have seen my proposals in my letters of the 12th and 13th and as I understood since, you have been written also by some of my friends . . . who entertained no doubt of your consent to their wishes, as they are animated by the purest motives, and would be led (at least some of them) to a kind of despair or abandonment of religious duties, if you do refuse them. They would consider the two above priests, only as rebels to your authority, and would not be reconciled to that scandal, which might be propagated particularly as it is not the first time that the Dr. sets at nought the Archbishop's authority. I therefore, My Lord, renew my petition, in behalf of the most religious part of this Congregation, to permit me to open a new Chapel and to exert in it *all* pastoral functions over those who will become members of it, and particularly my own Countrymen (though there is no need perhaps of designation). I would put this new Congregation under the auspices and the name of St. Mary of which I have a neat picture, fit for an altar piece, given me by the Jesuits in Paris, in order, said they, that it preaches for them or instead of them. The Doctor and his party could say anything they please, I would not care for it, nor have any collision with them since I would not meet them any more, it might even be that he be so forgetful as to excommunicate us, as he did last year. The poor but respectable Mr. Donovan, is of the best Catholics of this place, as he proved in that occasion and since, a thing that the Dr. in my opinion, had no right to do, and he would have less right against me, I would not care for his excommunication, and his character stands not so high in this place, though his abilities do, as to injure mine.

But, My Lord, as these things may require the exertion of all your authority, I take liberty to suggest to your Lordship, the expediency to assert it at the beginning and if you have not

done it, nor taken a contrary step already, to order Mr. Browne to move to Augusta immediately, or be interdicted of all priestly functions: To command me to resume and fulfil the pastoral functions in the actual church, until Dr. Gallagher arrives, or until you send another pastor. And in case I be opposed in the Church in this *temporary* appointment, to leave it and open another place of worship for the faithful. Which place of worship I will be authorized also to open or continue, as soon as the Doctor arrives, or the other pastor whom you may appoint. You, declaring at the same time for the information or instruction of all well inclined people, that they must know that there are not Ecclesiastical powers in your Diocese which would drive me from you.

By these, you would not invalidate the Doctor's exercise when he arrives, and there would be no schism with him, unless he did it himself, in supporting Mr. Browne and keeping him here although he ought to be in Augusta. This last disposition he knows, and both knew, and knew it from Archbishop Carroll, and if he lived yet, they would never have attempted such thing, for not only he, but his past letters would have convinced them. If it pleased your Lordship to leave Mr. Browne here, without previously obliging him to go to Augusta that would surprise many Catholics to see his rebellion so successful, but you would nevertheless authorize me to form a new Congregation—and I would have nothing to do any more with these two Gentlemen.

The only apprehension I have, and which would thwart all my designs of building a Church, is that the Doctor succeeds in the plan which he most probably had, according to some very remarkable expressions in one of Archbishop Carroll's letters of becoming Bishop of Charleston, from which he intended apparently to go to Rome, if he persists yet in this design, as long as I would have cause to apprehend it, I would differ to lay the first stone, but until that I could stay here to give some consolation to my friends in behalf of whom only I am moved to stay here; for My Lord, for myself, I expect much more comforts of all kinds, in the island of Martinique, where I am now resolved to go, if you do not authorize me and support me here.

I hope you will remark, My Lord, that of the date of the 9th instant, of Dr. Gallagher's letter, he had sent you, you certainly had told him that you authorized or appointed me here, and consequently that it is very strange that he calls me or qualifies my conduct as s*chismatical* and requires a return of any emoluments I may have received, (which are very trifling

and nothing from the congregation's trustees). It is he, who I believe should return all what he has received or will receive from the Congregation, since his absence, according to council of Trent—for he has no leave for such absence, and Mr. Browne's salary of $700 affects in no manner the Doctor's of $1400 who besides claims half of the Church as I paid in his hands the last summer & was left here alone.

Excuse, My Lord, these long, and perhaps strong assertions of my feelings on this subject. We all expect with confidence your decision. Be assured of my ready obedience, and of the respectful sentiments of

Your Most Humble Servant,

P. DE CLORIVIÈRE.

P. S. It is probable, particularly if Dr. G. arrives, that I will leave the Church entirely and say Mass in my room, where I will admit those of my friends who would be the more exposed to this passion or who would scruple to pay any longer their pews in the Church.[13]

Archbishop Neale had decided before this incident to revoke the faculties of both Dr. Gallagher and Father Browne. From all he had heard "of the unfortunate business pro and con", he wrote to Clorivière on February 19, 1816, "I could discover nothing but the misconduct, disobedience and unwarrantable sentiments of the Rev. Mr. Browne that could have given birth to such disturbances. Hence I was led to consider that Gentleman as the cause of the whole disorder. This cause, therefore, I decided to remove by discarding him from my Diocese. This discharge you will find inclosed, unsealed, that you may read its contents, then seal it and deliver it to him *propria manu* without having any conversation with him on the subject." This Clorivière did on February 28, and on the following day Browne wrote to the Archbishop:

Yesterday Rev. Mr. Clorivière handed me a letter of your Lordship addressed to me, dated February 19th inst. wherein you inform me that you have no further need of my services in your Diocese, and thereby revoke all the powers of a parochial nature heretofore granted me. How my conduct could merit such a severe censure I am at a loss to conjecture, for I am not conscious of having violated any of the canons of the Church, whereby I might incur the censure. If forebearance and patience under calumny and personal insults attach crim-

[13]BCA, Case 12-H2. The Clorivière letters are in a bad condition owing to the ink used. *They are printed exactly as written.*

inality to me, oh, then I must plead guilty; for they are the only crimes I have committed. However I think it a very severe grievance to be deprived of the privilege granted to the greatest criminals, i.e. to be informed of the specific charges brought against him; to the end, he may take cognizance of things, and thereby be enabled to repel them. And however numerous and respectable the characters may be, who have represented my conduct as strange and unwarrantable, and my sentiments as unqualified, I request your Lordship will condescend to specify these charges and afford me an opportunity to repel them, and frustrate the evil intentions of those unhappy Christians. I forgive them from the bottom of my soul, and fervently pray Him, who alone can change the hearts of the wicked, to enlighten them with his divine wisdom that they may see their errors and turn from their evil ways.[14]

On February 21, Archbishop Neale wrote to Gallagher "suspending from all powers heretofore granted by my predecessor, excepting that of saying Mass, on account of charges lodged against him from Baltimore for excesses in Liquor etc." Gallagher acknowledged this letter on February 26. The Archbishop knew him well enough to realize that he was the type of man upon whom obedience rested lightly, and he anticipated a repetition of the appellation Gallagher had made to Rome against Archbishop Carroll. He asked Clorivière (March 2, 1816), therefore, to select two or three gentlemen of the parish "of respectable character and well known in the place to take the signatures and declarations of all who had seen, known, or can attest to aforesaid excesses of Mr. Gallagher."

With Clorivière's reappointment as pastor of St. Mary's Church (February 26, 1816), the stage was set for the bitter conflict between the rebellion led by Gallagher and Browne and the authority

[14]BCA, Case 13-04. Browne's suspension (*Ibid.*, Case 12-G1) was as follows: "I received some time ago your letter stating many complaints and assertions which from their aspect did not convey satisfaction to my mind. I deferred answer that your conduct might show the spirit by which you were actuated. Since that time I have received from various and most respectable characters an account of your strange and unwarrantable conduct and of your unqualified sentiments. I do not mean here to go into the rehearsal of individual charges of misconduct, but by this I simply inform you that I have no further need of your services in my Diocess—All the powers of a parochial nature heretofore granted you I hereby revoke, and if you mean to meet with employment you may go elsewhere without testimonials of good behavior from me, for refractory spirits I never did and never will recommend."

of the Archbishop of Baltimore. From this date, the French priest was, he says, the only priest in Charleston, "empowered to exercise the spiritual functions; and those who know of what importance these functions are for Catholics, will comprehend that I could not, consistently with religion and charity, have abandoned the place .... I could not move one inch from the road I was in. That, which honor, in my former career against the enemies of my country would have forbidden, religion made me now find impossible; toils, dangers and death are not less honorable in this case, than in the former."[15] In spite of his suspension by Archbishop Neale, Dr. Gallagher returned to Charleston on March 12, and soon found that he was not without influential friends among the trustees of his congregation.[16] Clorivière had received Neale's letter of March 2, on March 9, and with it a copy of Gallagher's suspension. On March 13 Gallagher took possession of the Church Registers. After a few weeks spent in marshalling his forces in the parish, he attended Mass (March 28) and at the end of the service entered the sacristy and ordered Clorivière to leave the place for good. "I represented to him", Clorivière writes, "the ecclesiastical *irregularity* into which he fell, *ipso facto*, by this daring violation of the laws of the Church; but he listened not; and I, seeing his attendants, made no resistance but carried all my things with me, together with the sacred oils, used in the administration of Baptism, to the place which I was fitting up by the orders of the Archbishop for such of the flock as should remain faithful."[17] This

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[15]*Further Documents etc.*, p. 9.

[16]There is a letter in the Propaganda Archives, *Scritture riferite, America Centrale*, vol. 5, fol. 20-22, from Maréchal to Neale, dated March 4 (probably April 4), 1816, in which Gallagher's excesses and spirit of disobedience are set down with all Maréchal's strength of language. It is too unpleasant to be printed. That every effort was made by the Sulpicians and the secular clergy of Baltimore to save Gallagher from his own weakness, is evident from the documents of the day; and it is interesting to note that even in January, 1816, when Gallagher was again causing trouble in Baltimore, Father Enoch Fenwick, the Rector of St. Peter's pro-Cathedral, wrote to Neale urging that Gallagher be invited to preach the panegyric at the Month's Mind Mass for Archbishop Carroll (BCA, Case 12A-C6). Another interesting letter which has survived is one from Peter Thomas Ryan, a leading citizen of Charleston, in favor of both Browne and Gallagher, written to Neale on March 25, 1816 (*Ibid.*, Case 12A-M1). Ryan vindicates both clergymen and denies the fact that either of them was worthy of censure.

[17]*Further Documents etc.*, p. 9.

fact Gallagher had announced to Archbishop Neale in a letter dated March 26, 1816:

Reverendissime Praesul,

Cum Suspensio in epistola tua mihi Baltimori communicata omnino injusta et sacris Ecclesiae canonibus contraria fuerit, Eam a principio nullam irritamque fuisse cognovi. Et ad Curiam et autoritatem Romani Pontificis, nisi sententiam revocaris, appellatione recurrere statui. Propter respectum tamen Episcopis debitum, mentis tuae reflectionibus, mearum remonstrationum ad te missarum considerationi, meoque domum navigationi aliquod spatium concedendum judicavi. Nunc autem nulla duabus litteris ante discessum a Baltimore a me scriptis responsione accepta, his praesentibus notum tibi facio querimoniam et appellationem ad Romanum Pontificem a me interpositam esse. Cujus rei haec notificatio a Viro illustri et honorato Gulielmo Lowndes tibi tradetur.

Datum Carolopoli hac die Martii 26ta 1816 a me
SIMEONE FELICE GALLAGHER
Ecclae. Cathae. Carols. Pastore.[18]

The two suspended clergymen resumed all pastoral functions at St. Mary's, as co-pastors, and on the following Sunday Gallagher announced from the altar that he had appealed "to a tribunal superior to that of the Archbishop of Baltimore." Not satisfied with usurping St. Mary's Church, Gallagher began to assume quasi-episcopal authority, and on April 4, 1816, he sent to Father Clorivière a Latin rescript forbidding him to open a separate chapel in the city.

In the meantime, apparently to effect a reversal of the Archbishop's decision, the two rebellious priests had recourse to the customary system in such cases, the formulation of a Petition, which is crowded at the end with hundreds of signatures. This Petition is significant of the temper of the times and deserves to be given in the curious English used by the Committee:

Most Reverend Doctor Leonard Neale, Archbishop of Baltimore.
My Lord,

We the undersigned Members of the R. C. Church of this city, with profound sentiments of veneration and respect beg leave to approach your Lordship to express our deep affliction and unfeigned sorrow at the undeserved censure passed by your Lordship on Rev. Mr. Browne, one of our beloved Pas-

[18]BCA, Case 12A-E7.

tors; withdrawing from him all the powers of a Parochial nature, hitherto granted him; in consequence of malign representations of his conduct, made by several respectable characters. We assure your Grace that these charges whatever nature they may be, or quarter they may come from, are unfounded and groundless. We have daily *ad oculos* demonstration of the propriety of his conduct to the contrary. This Gentleman's moral conduct cannot be impeached, his unremitting assiduity in his pastoral functions is most edifying, his deportment mild and uniform in his station, which reflects honor on the sacred Priestly Character, and dignity and lustre on the Congregation over which he presided. We, My Lord, are not actuated by any sinister views in giving this statement, we are moved purely and solely to it by our own happiness and that of our Children. Our respect and attachment to our holy Religion and indispensable and conscientious duty to shield the sacred character of our innocent Pastor from the deadly and envenomed shafts of malice and intrigue; We know the source whence your Lordship has received the information, and the characters, who have enlisted themselves in this antichristian league, they are few and contemptible, their late conduct renders them highly criminal in the sight of God, and the Excommunication of society. We do not presume to enter into the sanctuary of the mind and arraign the intentions; but we are allowed to judge of the cause by the effect, and by this unerring guide we are warranted in saying, that their intentions are to demolish and not to build up the temple of God; to divide, vex, and lacerate this Congregation, which is at this moment groaning and smarting under its direful effects. We are surprised your Grace cannot penetrate the veil that conceals this assassin design against Religion, morals, virtue and everything that is precious and estimable in the eyes of virtuous men, why not bring forward these foul charges at an earlier period, no they could not, nor in conscience and justice, they cannot even now, but luciferian envy and malice must invent, fabricate lies and falsehoods and spread her destructive and baleful *halitus* over the fair and spotless character of our innocent but dignified Ecclesiastic, in order to soften the scorpion stings of a disappointed spirit of a defeated and contemptible party. We, My Lord, are the most interested and competent to form an opinion of the propriety and conduct of our Pastor. We are not transient Visitors, but permanently settled, and mean to live and die in this land of our *Nativity* and *Adoption*. We and our families have a vital interest in this affair, our welfare here and eternal happiness hereafter depend on the happy

effects, that are to flow from the peace, tranquility and edifying conduct of this Congregation. We in truth form this Congregation. We are the people who under the Guidance of Providence have built his Church, many of the venerable and respectable Characters, who have now the honor to address you, resided here at the time of its erection. We therefore beseech, entreat and expect your Lordship will gratify this Congregation by granting the Equitable and humble prayer of their PETITION; to restore our beloved and universally respected pastor Rev. Browne to his former power and situation amongst us. We expect you will address a letter to this effect directed to himself, and not wound our feelings by humiliation of our Pastor in communicating your orders through his openly declared and implacable enemy Rev. Mr. Clorivière, whose strange conduct and unwarrantable proceedings, towards this Congregation has injured the interest and retarded the progress of Religion in this quarter; but belong to us, we have nothing to do with him, nor ever shall, with the man, who, instead of invoking the benediction and graces of Heaven to fall on this Congregation, has supplicated the throne of God to pour forth his Vengeance on the *Chief* and *Principal* supporters of this Church; his unchristianable conduct and severe ill treatment towards Rev. Mr. Browne has greatly impaired his health; and is now recovering from a severe indisposition occasioned by Rev. Mr. Clorivière's abusive language to him; yet this is the man who walks abroad free and unshackled from Ecclesiastical Censures; while the guiltless and harmless falls victim to the dark designs of the wicked and malevolent! We are persuaded that your Lordship only requires to be informed of the truth in order to do justice; every recent instance has evinced the correctness of this observation. We therefore confidently hope that your Grace will administer our afflicted spirits the balm of consolation and peace; by conceding the prayer of our PETITION,—which alone will produce the happy effects of *joy* and *peace* flowing from a tranquil and peaceful exercise of our holy Religion. You are our Chief Pastor and spiritual guide in America, we your children who look to you as our spiritual Parent, for support and comfort in the hour of our disappointment and deep afflictions. Do not weaken these sacred ties, which so strongly unite us, but let those sacred bonds of Charity be strengthened, and eternally unite us in Christ Jesus our Lord.

N. B. *My Lord,*

Two of the members of the Vestry have resigned their places (Mr. O'Donovan, J. W. Datty) is the cause of their signatures

not being on this list (Mr. Coslett we have not applied to as we consider him the principle source of all our trouble)—Mr. Laurens also we have not asked for his signature.

My Lord, in any future communications please direct to the Vestry or either of them.[19]

Gallagher's appellation to the Holy See (sent about the end of March) contains nothing of a special nature, except a reiteration of his *canonical* appointment as *parochus* of the Charleston congregation. He accuses Archbishop Neale of having been influenced by an intrigue (*inauspicatis quibusdam exhortationibus seductus*), and states that he did not obey because to do so would have been harmful to the young American Church (*ad aedificationem nascentis Americanae orthodoxae Ecclesiae*). He appeals, therefore, to the Holy Father to save the Church from such a calamity as his removal from Charleston.[20] The right to appeal from a lower ecclesiastical court to a higher has always been held sacred in Church Law. Gallagher's judicial appeal to the Holy See practically reserved the whole case with its accessories to the authorities at Rome, and in order to avoid the complications which would follow the acceptance of the appeal, Archbishop Neale wrote to the Cardinal-Prefect of Propaganda on April 2, 1816, placing before him the basic facts of Gallagher's suspension. The document in question bears on its face the action of an ecclesiastical court in Baltimore, formed for the purpose of contesting Gallagher's appeal, and is the first of a series of official papers sent by Neale to Propaganda on the case.[21] On April 17, 1816, Archbishop Neale replied to Gallagher's Latin letter on March 26, as follows:

I have received your letter of the 26th of March, 1816, which, being in Latin, I suppose was intended to make its appearance at Rome as an appeal from my authority, by which the powers granted you by my predecessor were taken from you. If this be the case you have committed a great oversight; for if you had examined the powers granted you, you would have observed that they were *revocable at will.* Hence in revoking them, I used the same authority, which my predecessor exercised in granting them: and if Rome cannot dispute his authority in admitting you to exercise, within his Diocese,

[19] *Ibid.*, Case 12-F1.
[20] Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 3, fol. 138.
[21] *Ibid.*, vol. 5, fol. 39.

spiritual powers revocable at will; so neither can she dispute my authority in revoking the same powers, when I judged it fitting to do so. The powers you received were merely missionary, and no *collation* was made in your favour. The faithful within this Diocese are divided into Congregations, not into parishes; and of course, in this missionary state of things, it depends on the will of the Archbishop to alter, change and regulate matters after such sort and manner as he shall judge the good of the mission to require. Appeals are made to Rome to hinder Archbishops from exceeding their powers, and not to prevent them from exercising their lawful power and such as is essentially inherent in their Diocesan capacity.

You say my sentence was unjust; but that cannot avail you, as I thought otherwise; and I must tell you that all the principal Divines of Baltimore and elsewhere, all whom I consulted on the occasion, thought as I did. You seem to speak of my sentence, as if thereby you were stricken with *ecclesiastical censure.* This however is not the case. For by withdrawing your powers, I left you exactly as you were before you received any powers for this Diocese, when, I suppose, you were clear of all ecclesiastical censure. But, unhappily, you have involved yourself in *censure* by presuming to exercise pastoral functions and administering the sacraments after I had revoked your powers; (see the printed faculties granted by my predecessor). And furthermore, by proceeding under the contracted censure to exercise the same pastoral functions, you have incurred the great and mighty ecclesiastical censure of *irregularity,* from which censure no one can absolve you but myself or such as I authorize to that effect. Hence it is evident that you are more justly styled a *Deluded Priest,* than I a *Deluded Prelate.*

As to the epithets of *weak* and *irascible,* which you have been pleased to bestow on me to serve your purpose with the public, they affect me not. Probably my never having entertained an idea of possessing supereminent abilities, I feel less sensibly at hearing of your entertaining the public with your strictures on me. It has served my purpose to advantage. It has led me in great tranquility of mind to a more entire confidence in God, who, when he pleases to raise the weak and frail to prelacy in his Church, always engages to give them light to discern his holy cause, and vigorous strength to execute his holy will.

But, Sir, is it not surprising that you of renowned abilities, splendid qualifications and highly boasted knowledge, especially of the canon law, should have committed such a blunder as

to plead your appeal to Rome as a sufficient authorization for the exercise of those spiritual powers, which I have revoked? A mere smatterer in the canon law would laugh at such an empty pretence. Such bold and presumptuous assertions may serve to deceive the unsuspecting and ignorant, and gratify party spirit, but can have no further avail. The truth looks you full in the face, and denies your assertion. Other things appear in your forwarded appeal equally deficient and rendering it perfectly null. But they will meet their rebuff in their proper place.

You complain I did not answer your last two letters written from Baltimore. For this, blame yourself, not me. Your unqualified letter written to Mr. Browne, while you still remained at Baltimore, required demurrage on my side, before I could answer in conscience. For in your said letter to Mr. Browne, you took a stand I could not consistently yield to you. 1st. You exhibited yourself as if vested with general vicarial powers by Archbishop Carroll, whereas you never were appointed to any such office to my knowledge. 2dly. You pretend to the power of appointing your own Curate; Whereas you never had any such power. The Archbishop never granted that power even to his coadjutor Bishop. 3dly. You there pretended to parochial rights as if a *collation* had been made in your favour, whereas no such thing has ever been done, and Charleston has never been erected into a Parish. 4thly. You there assert that Mr. Browne had been regularly appointed as your Curate by the late Archbishop, whereas he never did appoint him as your Curate, because he never did consider you otherwise than a Missionary Pastor removeable at will; neither did he appoint him as a Joint Pastor with you, as he had formerly done in favour of Mr. Clorivière, but only consented for Mr. Browne to remain at Charleston as a temporary assistant during your absence, and to return to Augusta when the urgent necessity should cease; nay he even insisted on Mr. Browne's attending the Congregation of Augusta from time to time during his temporary residence at Charleston. 5thly. You there presume to declare Mr. Clorivière schismatical, for exercising his spiritual powers in Charleston, whereas I had authorized him to exercise the said powers there as Joint Pastor with yourself. This fact was well known to both you and Mr. Browne, whom I ordered in the same letter to return to Augusta, and there reassume the care of his former Congregation with the same powers he enjoyed before, in strict conformity with the intentions and promise of my worthy predecessor. This Mr. Browne deferred complying with under the pretence of being appointed

by you as Pastor of Charleston, &c. Hence it is evident that in this letter you took a stand above my control, and subversive of my authority, which I could not in conscience yield to you. A revocation of this letter and the sentiments therein expressed became absolutely necessary, which I charitably supposed the good dispositions manifested in your two last letters from Baltimore, would naturally have conducted you to, on your arrival at Charleston. Hence I delayed answering those letters that you might have the necessary time for doing your duty, and proving to me that in writing those letters your heart was correct and that sincerity guided your conduct. But you neglected to do the essentially necessary thing; and your posterior conduct plainly proves to me how prudently I deferred reinstating you in the powers I had taken from you. What has taken place gives me every reason to call in question the sincerity of those sentiments exposed in your two aforesaid letters, and you have involved yourself most miserably. As you stand, you cannot celebrate Mass without a *glaring sacrilege*, nor perform any pastoral functions. Your *absolutions* are all null and unavailable. If you proceed to influence others to follow you, you will involve them in the same ruin with yourself and render your own case far more desperate.

Wherefore, my dear and Rev. Sir, I beg and pray you through the love of Jesus Christ our dear Redeemer to withdraw your steps from the ruinous precipice down which you are sliding; and by an humble and christian submission, prove yourself a genuine and loving Child of our dear Mother the Catholic Church. Oh! quit the fatal path, by which all heresiarchs departed from the maternal bosom. My supplications to heaven to obtain for you the grace necessary for the performance of this heroical work shall not be wanting.[22]

For fear that Dr. Gallagher might suppress this letter, a copy was sent to Father Clorivière the following day (April 18), and with it a *Declaration of the Archbishop of Baltimore for the Catholics of Charleston, South-Carolina.* Neale hoped that "upon the publication of my Declaration and my answer to Mr. Gallagher, the great part of the Congregation" would join Clorivière, who was empowered to remove any censures that might have occurred by adhesion to the two rebellious priests.[23] The *Declaration* was as follows:

[22] *Further Documents etc.*, pp. 10-13. A copy of the original letters is in the BCA, Case 12-V12, and a French translation is in the Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 15-18.

[23] BCA, Case 12-G1.

I hereby certify, that on the 21st of February, 1816, I revoked all pastoral powers heretofore granted to the Rev. Mr. F. Gallagher, revocable at will, on account of his scandalous excesses in the use of liquor, and that a few days before, I also revoked all spiritual powers priorly granted to the Rev. Mr. Browne to be exercised within this Diocese for the benefit of his neighbour, but revocable at will, on account of disobediently delaying to carry into effect my orders and injunction on him to return to Augusta and there assume the care of the Catholic Congregation with which he was charged by my Predecessor; and with tampering with the Laity to form an opposition to my orders by frequent complaints and empty pretensions of being grossly injured, and declaring openly his determination not to suffer anyone, Bishop or Pope himself, thus to injure him with impunity, &c.

As therefore the aforesaid Messrs. Gallagher and Browne have presumed to exercise Spiritual Functions, which were forbidden them by revocation of the above mentioned powers, I here declare to all whom it may concern, that *ipso facto* they incurred the censure published by my predecessor, in his printed faculties granted to the priests he employed. And furthermore as they persevered under this censure to exercise the same forbidden functions, I here declare that they have incurred the Great and Formidable Ecclesiastical Censure of *Irregularity*, which renders their celebration of Holy Mass, Administration of Sacraments and performance of Pastoral Duty Sacrilegious, and their absolutions perfectly null or of no effect. And all those among you, who attend or are present at their *Sacrilegious* ministry, will be involved in the same ruinous state with them. If you belong to Christ you will listen to his church: If you refuse to do so, you will enter on the road of perdition. The Rev. Mr. Clorivière is the only lawful Catholic Pastor in Charleston and its vicinity, whose voice you much acknowledge and follow. *Given this 18th day of April, in Baltimore.*[24]

When these documents reached Charleston, Gallagher and Browne had already finished their preparation for their Appeal, and, according to Clorivière, on May 12 or 13, Browne left Charleston for Rome.[25] The Baltimore clergy, cognizant of Gallagher's past

[24] *Further Documents etc.*, pp. 13-14; copy in the BCA, Case 12-G1.

[25] The date of Browne's departure is uncertain. In the Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 178-179, there is a letter to Browne, *apud Carolivilliam*, dated Philadelphia, July 4, 1816, from the Provincial Prior of the Augustinians, Father Matthew Carr, who was Vicar-General of the Order for the United States. Dr. Carr expresses his concern for Browne's decision to appeal to Rome and trusts that he will conduct himself with piety and prudence.

history and apprehensive that Browne might succeed in gaining a favorable hearing in Rome, despatched to Cardinal Litta attestations supporting the Archbishop's action. Neale presumed that his letters would arrive in Rome simultaneously with Browne's arrival. "The empty schemes of the wicked will, I confide, be frustrated by the Most High."[26]

During the rest of the year (1816) matters remained, superficially at least, at a standstill. On July 2, 1816, Gallagher set out for Baltimore and the rumor was that he had gone for certain marriage dispensations from the Archbishop. He proceeded, however, no farther than Sullivan's Island. Clorivière sent this information to Neale, and on July 9, received from Georgetown the following communication from the Archbishop:

> Your welcome favor of the 2nd instant was received yesterday evening. I am glad that Mr. Gallagher has moved from his factious adherents, and though he moved off with a bad grace or without evident symptoms of repentance by openly declaring his submission to Episcopal authority in the face of his party; yet, I hope in God some good will insue from the step he has taken, though I cannot point out what particular good may be expected. For I always considered any move in a factious and obstinate party preferable to no move at all.
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> As for your *Quere* concerning interments I am of opinion that under present circumstances, you ought not to have your people buried in what they call Gallagher's burying ground, for though Gallagher be gone, yet at his departure, he left no security of not returning again. Besides I do not wish to have anything to do with either the Church or Burying Ground of the revolted until they make an unequivocal disavowal of all acatholic principles, or until they render themselves entirely submissive to Episcopal authority in all their transactions relating to the Church and its appurtenancies. Wherefore my opinion is, that it would be better for you to purchase the French protestant Church and ground, which I am informed is not at present in use. Probably you may purchase it on credit for a given time during which, with the kind disposal of God, money might be collected by quest and otherwise to answer the contracted debt. This probably would be the cheapest way of proceeding. It would certainly be the speediest and most answerable for existing circumstances. And as no better means can be devised for breaking up the obstinate party and

[26]Neale to Clorivière, Georgetown, May 28, 1816 (BCA, Case 12-G1).

reducing them to Catholic submission, I feel confident that God will co-operate with your views and provide you with the necessary means for the accomplishment of the work *ad majorem Ejus gloriam.*

All who employ the ministry of acatholic persons, turn themselves out of the pale of the Catholic Church and are not to be received without public penance. The Rev. Mr. Beschter is well and joins me in every sincere wish.[27]

Archbishop Neale had refrained up to this time from taking the decisive action of excommunicating Dr. Gallagher. The suspended clergyman had a certain vogue at the time among his compatriots from New York to Savannah, and there was danger that such a step might be misinterpreted by those who in some cases surmised and in others believed that their race was being ignored in the affairs of the American Church.

Clorivière seems to have written on several occasions, intimating that in the absence of Browne, Dr. Gallagher was arriving at a more reasonable view of his own conduct and that he might at any moment submit to the authority of the Archbishop. Father Beschter, who wrote most of Neale's letters at the time, also held out hopes that severe measures would not be necessary with Dr. Gallagher, but Neale refused to yield except upon the latter's complete submission. Clorivière says in a memorandum of the time that the Archbishop "can place no confidence in the Rev. Mr. Gallagher, and therefore does not want his services in the Diocese any more. Mr. Gallagher may perhaps think that his illegal and useless appeal has kept further proceedings against him as he deserves, but he may rely on it that it was only Clemency on the Side of the Archbishop which has until this time prevented him to pronounce a formal excommunication against him, and an Interdict of the Church which he has seized upon."[28]

Meanwhile [as Shea writes], Rev. Mr. Browne had laid a mass of false and garbled statements before Propaganda, and returned with a peremptory letter(dated October 5, 1816) from Cardinal Litta, in which Gallagher and Browne were represented as men of the most eminent piety and exemplary life whom the Archbishop had unjustly deprived of their charge in order to place there a French priest. To prevent the Cath-

[27]BCA, Case 12-G1.
[28]*Ibid.*

olics of Charleston from all becoming Protestants, he proceeds to say that the Pope commanded the Archbishop to show cause why he had removed these clergymen, and to reinstate them, and permit them to continue during the pendency of the case at Rome; he was commanded to remove Rev. Mr. Clorivière from all care of souls at Charleston, and if the Archbishop refused, the orders were executed *ipso facto* by the Sovereign Pontiff himself.[29]

That same day Cardinal Litta wrote to Dr. Gallagher acknowledging the appellation which Browne (*tuoque Vicario*) had presented to the Holy See, against his removal from the pastorate in Charleston. Since Propaganda had decreed in his favor, *causa pendente*, all the documents of the case were to be forwarded to Rome. In the meantime, in order to bring peace to the troubled congregation, the Holy Father, at Litta's request, had ordered his reinstatement and had commanded the Archbishop to remove all censures and irregularities from Browne and himself. Clorivière was to leave Charleston at once. Dr. Gallagher was advised to beg for the absolution of these censures from the Archbishop himself; and should Neale refuse to grant the same, then they were removed by Apostolic authority.[30]

Browne left Rome with these two letters, on October 16, 1816, but had not reached Charleston in December; for we find that at the beginning of that month, Dr. Gallagher had decided to submit to Archbishop Neale. We learn from Gallagher's letter, dated Georgetown, December 12, 1816, to Alexander England, the president of the board of trustees of St. Mary's, that he had discussed his submission with the board before leaving for the North:

> I know that you and the Congregation at large were very averse to the step I have taken in repairing to the Archbishop and submitting entirely to his authority. In adopting this determination I had two objects in view, the one was to obtain my own reconciliation to my lawful superior which required this act of submission; the other was a well grounded expectation of being enabled to exert my best abilities in restoring peace and comfort to your afflicted Congregation. The first duty I have performed, and have sacrificed to it my interests,

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[29] *Op. cit.*, vol. III, pp. 32-33. This "extraordinary communication," as Shea calls it, is dated Rome, October 5, 1816.

[30] BCA, Case 12-Q3.

my affections and in short everything of a worldly nature that is dear to me. The trial is severe, but I hope the Lord will enable me to bear it with Christian resignation. The Congregation for whose attachment and affection I shall be ever grateful, can now afford me neither assistance nor consolation. Nor am I allowed to continue my endeavor for their welfare and edification. The only service I can render them at this painful moment of separation is to impart a pious counsel and important advice which is, *not to be prevented by any disappointment or difficulties from serving God and Solemnising his Worship.* This duty remains obligatory and sacred whoever be the minister. And the Archbishop will no doubt always endeavor to provide for the Spiritual wants of his Diocese to the best of his power. You must therefore leave the appointment of Pastors to him, because to him Christ has consigned the Charge, and given the authority. And on your part make the best of the means afforded for the sanctification of your souls.[31]

The story of Gallagher's reconciliation is told in Archbishop Neale's letter of December 17, from Georgetown (where the Charleston priest had been for a few days), to Clorivière:

The Rev. Mr. Gallagher has been with me for the purpose of reconciling himself, &c. On his arrival I refused to see him unless he would first most authentically acknowledge the illegality and the horrid impiety of his various proceedings at Charleston after his return from Baltimore, and would also solemnly promise to comply with the pennance I should think fit to impose on him. After complying with this I admitted him to a Colloque in which I peaceably exposed to him all the various acts of his criminal conduct, viz. his holding you up to the people as a schismatic, &c.; his turning you out of the Church: his assumption of the title of lawful Pastor; his exercising parochial functions; his deluding the people by persuading them that he had a right to act as he did independently of me: his drawing all he could to join and adhere to his party, which opposed the publication of my mandates: and finally putting himself at the head of his . . . . to oppose the authority of the Church and thus to rend and tear the seamless garment of Christ our Lord, &c. After which Mr. Gallagher openly acknowledged that all I had stated was true: that he was guilty of all, and that he was sincerely sorry for it.

This being done I proceeded to pass the following sentence against him, viz—1st. That he should never return to Charles-

[31]BCA, Case 12-G3.

ton, where he would never be allowed to exercise any faculties, not even that of saying Mass.

2ndly. That he should immediately retire to New York and place himself under the care of the Right Rev. Mr. Connelly, Bishop, whom I would empower to absolve him from his censures in my name after he should have performed an eight days retreat.

3rly. That he should unequivocally acknowledge his misconduct in a letter addressed to some one of his party, and to make public to all of them, but to be delivered into my hands to be forwarded. Finally that he should seriously endeavor to persuade those he had seduced to return promptly to their duty and submission to my authority, &c &c.

Mr. Gallagher has complied with all and is gone to New York. Let us bless and praise God, who has converted his heart most wonderfully! Now let us turn our eyes to the poor deluded people he has left behind him—all those, who attended at all or any of his sacrilegious functions during his *irregularity* incurred the same censures as he had. But we must have compassion on them. We must show by mild and fatherly conduct how sincerely we desire to help them out of their labyrinth of distress and misery. Many no doubt may be gained by a mild and friendly conduct. And though there may be many, who will frustrate all our endeavours, still we must refrain from all humorsome harshness with them, and when we remind them of their duty, we must do it so as to leave impressed on their minds our fatherly tenderness towards them, &c. No one is to be turned out of church unless for bad behaviour in it. As to the church, which the seditious party holds and wherein they have perpetrated such scandalous doings, I hold it *interdicted* and forbid either Mass to be said or any other spiritual functions to be performed therein. And as it appears that two lawful Pastors have been driven from that church by its trustees or vestrymen, who pretend to a right of choosing their Pastor because they pay him a salary, I am determined and I here declare that the said church shall be held *interdicted* 'till it moulders into dust, unless the lawfully appointed Pastor be wholly independent of the Trustees both as to the tenure of the Church and the temporal means of his support. This *interdict* does not embrace the burying ground or any other part of the premises external to the church. I hope the congregation is not so destitute of sound good characters as to want a sufficient number to correct the evil system, which has hitherto been followed inadvisedly, and to arrange matters on a truly Catholic plan. For unless that be done, that

church can never be acknowledged as a *Catholic Church*. Hence, my dear Sir, keep a steady eye on matters. Steady patience, resting peaceably on God, breaks down the walls of obstinacy and irreligion. May the Almighty guard and protect you! May he fill you with his holy spirit, crown your labours with success for his greatest honor and glory. With sentiments of the highest esteem, I remain Your most obedient humble servant, and affectionate friend in Christ.

P. S. Enclosed you have a copy of Mr. Gallagher's letter to Mr. England, that should the Vestry endeavour to prevent its publication, you may supply the deficiency. Kindly invite all to return in imitation of their repenting Pastor.[32]

The first paragraph of the above letter, which is omitted here, contains the important fact that Archbishop Neale that day appointed Clorivière as "my Grand Vicar for the Carolinas and Georgia; but you must place no priest any where without my prior knowledge and consent. Should Rev. Mr. Browne return you must grant him no powers, not even to say Mass."

That both the usurping priests had potent friends in the city is evident from letters written at various times in their favor by members of the congregation. The following letter is given not only as a specimen of this correspondence, but especially because it strikes a racial note which must not be forgotten in judging the events which followed Browne's return with Propaganda's fatal letter: it is to the Archbishop from Edward Lynch, and is dated Charleston, October 7, 1816:

I take the liberty of addressing you a second letter, solely induced by a sincere desire of seeing peace re-established in our Church and of saving our Religion from Reproach. At all times peace and harmony is desirable, but more especially when the Church is in an infant state and where the flock needs the fostering and paternal hand of the Shepherd to feed and cherish it. I cannot but fear that the conduct of the Rev. Dr. Gallagher and Browne has been misrepresented and that if an opportunity was afforded them they would be able to obviate an assertion unjustly thrown on their characters, and if they have committed any errors (to which all human beings are liable) am fully convinced would make any reasonable concessions or acknowledgements required. The Congregations have the highest respect and regard for these Gentlemen, especially

[32] *Ibid.*, printed in *Further Documents etc.*, pp. 14-16.

the former whose eloquence as a preacher highly edifies and interests them in their Christian duties and would deeply and sincerely deplore their being deprived of his pastoral care. They beg leave to state that the Catholic Congregation of Charleston are chiefly composed of natives of Ireland and of course more closely attached to Clergy of their own Nation where found worthy, and that their Priests are solely supported by their voluntary contributions, that they have an insurmountable personal dislike to the Rev. Mr. Clorivière, that none but a person capable of preaching clearly and distinctly in the English language will suit them nor do they think him calculated for the Pastoral care of this Church—to be plain they do not respect him nor can they receive or support him as their Pastor—I am convinced they would pay all due submission to your pastoral authority except that of placing over them a Priest whom they do not love nor esteem; should they ultimately be deprived of the Pastor of their affections, I much fear many of the flock will go astray and seek and enter strange folds from which it will be hard to bring them back—indeed some are already inclined to do so, and which actually took place on a former unhappy dissention in the Church—with you most Rev. Sir it rests, that harmony and peace which reigned in the Church before the interference of those busy bodies who have caused these dissentions which now exist. It would make me most happy if your reverence would point ont any way in which I could contribute to the restoration of that love and harmony which ought to reign among all good Christians, and so desirable to, most Rev. Sir, *Most obdt. servant etc.*[33]

In a long letter to Cardinal Litta, dated December 20, 1816, in which Neale gives the news of his having received the pallium and discusses the mooted question of the succession to the See of Baltimore, the venerable Archbishop writes that Dr. Gallagher had at last yielded to his authority and had agreed to the conditions placed upon the acceptance of his submission; namely, never to return to Charleston, to proceed immediately to New York and there to make a retreat of eight days under Bishop Connolly's guidance, after which Dr. Connolly would absolve him from all censures, and lastly to give a statement in writing deploring his errancy.[34] This letter is the one written to Alexander England, and partly given above. Clorivière says that "the friends of the Revd. Doctor"

[33]BCA, Case 12A-12.
[34]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 3, fol. 396-399.

understood certain underscored words of this letter, "as advice to continue their Sunday meetings in their interdicted church, although it could not, surely, be the meaning of the repentant gentleman." Instead of bringing peace to the troubled waters of Charleston, Gallagher's submission simply increased the opposition of the trustees and their followers.

On January 26, 1817, in conformity with Neale's letter of December 17, Clorivière pronounced publicly the interdict on St. Mary's Church. A month later, rumors were rife in the little city that "some agreeable change" was shortly to occur, and on January 27, 1817, Clorivière received the news officially in a letter from the Archbishop. Dr. Gallagher had returned to Baltimore from New York on January 20, and three days later called to see Archbishop Neale at Georgetown. He informed Neale that he had complied with the directions regarding the retreat and that he had been absolved from all censures by Bishop Connolly.

> He then produced a letter for me [writes Neale], from Cardinal Litta, which was sent to him with one for himself. My letter had never been closed with a seal; and of course was intended for his perusal. Mr. Browne, it appears, sent them to Mr. Gallagher. The contents of this letter is a severe lecture for me and a Direction from his Holiness to reinstate Messrs. Gallagher and Browne *in statu quo* till their appeal should be decided. And if I should not please to do as directed, *hoc ipso*, he declared he did it in the plentitude of his authority. And that I was to remove you from Charleston. From all of which, it appears evident to me and my counsellors that Browne's and Gallagher's appeal and representations were false and of course that the sentence of his Holiness is null. Now I refuse to reinstate them on that very score; and if they proceed on the authority above stated, *remember it is not by my authority or concurrence;* neither must you, as my *Vicar General*, concur with them in any shape whatever, not even to afford them Holy Oils or anything by which you may be interpreted to assent to the exercise of their Spiritual functions. If the means of obtaining the above sentence be founded on falsehood or misrepresentation, the sentence of his Holiness will retort upon them with double force. My business now is to state to his Holiness the reasons of my proceedings. Hence you must carefully get all the information you possibly can. 1st. relating to Gallagher's drunkenness and the space of time he has been under the repute of a Drunkard and how far the repute ex-

tended, or any facts in point to prove it, such as the breaking up of his school. 2dly. relating to the different periods of his suspension, of his arrival at Charleston, of his turning you out of the Church, exercising his powers after his suspension, his quitting them for a reform. All your papers concerning him and Browne. If you can have the different facts proved before a Magistrate, it might become highly available. 3dly. whatever else you think may conduce to clear up the cause in hand. The way we must act is to say nothing to them, nor to concur with them in any thing. But to keep ourselves in great reserve. Should your people ask you about the matter, tell them to keep close to their own plan of worship, that the business is not as yet settled, and that I do not authorize them. In the meantime exert all your zeal in your Chapel and carry on divine service as speedily as you can. You will hear from me again ere long. May God enlighten you and support you with his divine grace.[85]

When this letter reached Father Clorivière (February 3, 1817), the trustees fully expected that its contents would contain a message from the Archbishop for him to quit Charleston immediately, in obedience to the Holy Father's command. But with singular prudence, the French priest held the post as well as the attitude Neale had ordered. Dr. Gallagher came back from the North shortly afterwards, and resumed his pastoral functions at St. Mary's. Clorivière was asked by his followers to remove the interdict; and Gallagher himself wrote, urging him "not to resist the commands of the Vicar of Christ on earth, in continuing my ministry in this place." The Archbishop had, however, commanded Clorivière "not to acknowledge the Doctor in any capacity", and he knew that

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[85]BCA, Case 12-G1; printed in *Further Documents etc.*, pp. 17-18. The Interdict itself was in French: "*Je Soussigné Grand Vicaire de Monseigneur l'Archévêque de Baltimore pour les deux Carolines & la Georgie, & Pasteur de la Congregation Catholique de Charleston—Declare, que par Décret de Monseigneur l'Archévêque, du 17 decembre 1816, cette Eglise appellée l'Eglise Catholique Romaine située dans Hazell-Street, est Interdite, & demeurera Interdite, de manière à ne pouvoir jamais être considérée comme une Eglise Catholique à moins que ceux qui la tiennent ne se soumettent a l'autorité Episcopale et pastorale & ne soient gouvernés par des règles & principes Catholiques. Le Cimitière est excepté de l'interdit, pourvu qu'on n'y appelle point un ministre inhabile. Donné à Charleston ce 23 jour de Janvier 1817. Pour être affiché aux portes de la dite Eglise le dimanche suivant & quiconque enlevera ou dechirera cette publication avant la fin du jour encourrera les Censures de l'Eglise.* J. P. de Clorivière." (BCA, Case 12A-R6). An English version appeared in the local newspapers. Cf. *Further Documents etc*, p. 20.

Gallagher had forfeited all right to a judicial appeal, since he had confessed himself guilty of the charge alleged against him and had accepted his sentence from the Archbishop. "With these incontestable facts staring me in the face", Clorivière writes, "I should, indeed, be held in no other light than a dupe, or be justly charged with the grossest dereliction of duty, had I abandoned my flock to the Rev. Gentleman."

Browne reached Charleston on March 5, 1818. He states in a letter to Cardinal Fontana (May 12, 1818), that he left Leghorn on October 16, 1817, and was on the way three months, having passed through two shipwrecks and nearly dying of starvation (*dopo un tedioso e pericoloso viaggio di tre mesi.... dopo avere scampato per ben due volte .... il naufragio .... di una lenta morte per via della fame*), but he does not say what hindered him from reaching Charleston until five months after his departure.[36] On the day of his arrival, he notified the Archbishop of his presence in Charleston:

> I have the honor to enclose to you a communication from the Court of Rome. I have been made acquainted with its gracious and benevolent purport, which no doubt will meet with your kind concurrence. With confidence therefore and joy I submit myself to your authority and humbly request the removal of whatever censure, irregularity or other obstacle that might be a bar to the exercise of the functions of the Ministry in the Catholic Church of Charleston. And it is my firm hope and determination to serve that church with piety towards God and respectful obedience to your Grace.[37]

Such was the series of events which tried the heart of Neale so sorely, and on account of which he addressed (March 6, 1817) one of the most remarkable letters ever received by the Holy See from the American Church. After relating the causes which had driven him to place Gallagher and Browne under ecclesiastical censures, and how Cardinal Litta's letter reinstating the two priests had completely upset his own peaceful conclusion to the Charleston scandal, he says:

> Most Holy Father, is it thus the faith is propagated? Is this the way to treat archbishops who in penury, amid countless

[36]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 104.

[37]BCA, Case 12-F4. In Browne's translation of this letter the date is given as March 6 (Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 163).

difficulties and miseries, labor for the faith and salvation of souls even to decrepit age, and who sink under the bitter burthen? I can scarcely believe that such an order emanated from the Holy See, or surely if it did emanate, it must have been obtained surreptitiously: for by this course, the door is opened to every rebellion in this distant country, and means are given, as I think, for the destruction of religion, for the children of this world are more prudent than the children of light. Before truth can reach Rome deceit and falsehood have already occupied the ground, and because they are supported by the testimony of faithless men, they find credit and advocates, my declarations being neglected because they are not upheld by the number and zeal of men without faith, or because my poverty does not permit me to have a procurator or a defender at Rome, for I and my brethren, bishops of this country, are much poorer than the rest of the clergy. Would that your Holiness had leisure to examine my letters and documents forwarded to the Sacred Congregation; I might hope for a prompt remedy for our evils.[38]

Clorivière had a powerful advocate in his uncle, Father Pierre-Joseph Picot de la Clorivière, then Provincial of the Society of Jesus in France, and to him he wrote, giving a detailed account of the troubles in Charleston, and begging him to state the case before the authorities at Rome.[39]

On March 2, 1817, Neale despatched to Rome a *dossier* of documents on the Charleston Schism. In this he repeats the facts as they have been presented here. If Clorivière was hated, Neale says, the reason is not hard to find. His very zeal excited the jealousy of Gallagher and Browne; and the tepid Catholics, some of whom were Freemasons, took offence on account of the piety and devotion he had awakened in the city. There were nine leaders or trustees who opposed the French priest, most of them of lax lives, whose position in the social life of the city was that of tailors, carpenters, saloon-keepers, druggists; and all were imbued with a spirit of false democracy, which rebelled against any authority but their own. It was a terrible shock to Neale that the voice of Gallagher and Browne had prevailed at Rome.

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[38]Translation from Shea, *op. cit.*, vol. III, p. 34. A copy of the original is in the BCA, Case 12-R6.

[39]Clorivière to Neale, Charleston, February 5, 1817, in French (BCA, Case 12-H1).

The public press was jubilant at the thought that by this action of the Holy See Catholics might eventually free themselves, if they wished, from all episcopal authority (*dudum enim cecinere nuntii publici Carolopolitanorum triumphum circa electionem suorum pastorum*). Openly rebellious children of the Church were saying that the Archbishop of Baltimore no longer ruled, and that they could obtain all they wanted directly from the Sacred Congregation, since Propaganda was opposed to Neale. The Archbishop stated quite firmly that his conscience would never permit him to obey this mandate from the Holy Father, who had been deceived by Browne. Of Gallagher's past, Neale writes fully, dramatically. And yet, he says, of what use is it to write much about him—*Ipsum enim habeo confitentem reum!*[40]

The whole of the long *dossier* must have made depressing reading, but it had fortunately the proper result with the officials at Propaganda Fide. Neale did not live to receive their letter of regret over the action taken and their genuine sorrow that the venerable Archbishop should have been so harassed in his declining years. Consolatory letters came to Neale from many of the clergy, encouraging him to stand fast in the trial which he was sustaining. All who loved the American Church, realized that the victory of Gallagher and Browne meant the end of discipline, unless the Holy See were to revoke and revoke quickly its decision. De Barth wrote from Philadelphia on April 9, 1817, saying that the trouble-makers in the Philadelphia Church were vastly encouraged and that he feared new outbreaks in that distracted city.[41] Bishop Cheverus was struck dumb, humiliated, and pained, and saw no hope of ecclesiastical discipline in the Church here (*labefactabitur disciplina, sordibus vitiorum inquinabitur sanctuarium*). "Console yourself", he writes, "with the thought that your Suffragans (*qui tamquam membra capiti junguntur*) are united with you in the cause."[42] Bishop Du Bourg, who was then in Paris, wrote at the

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[40]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 56-71; a duplicate copy exists, *ibid.*, fol. 40-55.

[41]*Ibid.*, fol. 76-78.

[42]*Ibid.*, fol. 81-83. The spirit of the schismatic leader of Charleston is clearly revealed in a letter, found in the Dominician Archives at Tallaght, to Father James McCormack, the Superior of the Franciscan College of St. Isidore, Rome (Irish College *Portfolio*, p. 229).

request of Father Pierre-Joseph de la Clorivière to Cardinal Litta, on May 4, 1817, expressing rather warmly his disapprobation of Propaganda's action. He was sure that the whole American hierarchy of the day would gladly resign their episcopal honors, if their authority was to be thus impugned by wilful laymen. (*Et certes, Eminence, j'ose le dire de tous mes Collègues dans l'Episcopat, qu'il n'en est pas un qui ne suppliât sa Saintété de consentir à leur rétraite, si leur autorité dans leurs Diocèses est exposée à se voir sacrifiée aux intrigues de laiques rebelles.*) The nascent Church of America could not have received a severer blow, and he wrote respectfully, he hoped, because he believed ecclesiastical discipline in the whole country was at stake.[43]

On May 11, 1817, Bishop Flaget wrote to the Cardinal-Prefect to the same effect, that unless the fatal decision were revoked, the end of order in the Church here had been reached (*pro certa habeo totam disciplinam in foederatis Statibus Americae pessum ituram esse*). The American bishops would lose all coercive power, if their spiritual authority were to be so easily evaded by appellations to the Holy See (*tunc nequissimi sacerdotes sub vestibus ovium intrabunt in ovile et sub oculis pastoris proprii impune crudeliterque mactabunt oves*).[44]

Browne, meanwhile, had not been altogether idle. He waited during what he believed to be a sufficiently lengthy time (three weeks), and then resumed his duties as co-pastor of Charleston. His friends in Augusta, Georgia, prepared a testimonial in his favor, dated May 10, 1817, and sent it to Archbishop Neale. A similar testimonial was sent by the Charleston trustees about this time.[45]

Archbishop Neale's *dossier* of March 12, 1817, evidently had not reached Rome by June 7 of that year, since we find Cardinal Litta writing to Du Bourg on that day that were he in Rome to go over the mass of documents presented by Gallagher and Browne and by

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[43] *Ibid.*, fol. 84-86.

[44] *Ibid.*, fol. 87-87.

[45] Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 175-177. Clorivière to Neale (February 4, 1817) stated that, of the nine trustees, only three were practical Catholics. Five had married non-Catholics and neglected their religion, and some of these five had not been married in the Catholic faith. Alexander England, their leader, was a Freemason, of high rank. One of the trustees had been married by the Protestant Bishop of South Carolina (BCA, Case 12-H1).

the Catholics of Charleston, he would not have censured the officials of Propaganda. We find in this letter for the first time what is presumably a just complaint against the Archbishop, namely, that he had not taken measures to furnish Propaganda with documents for his side of the case, although he was aware of Gallagher's appellation (*at praesul, quamvis de interposita appellatione conscius esset, tamen, quod miror, nihil unquam S. Congregationi hac de re scripsit*).[46] Du Bourg, whose letter was considered a trifle naive in its boldness by the Cardinal-Prefect, wrote again from Bordeaux on June 16, 1817, the day before he sailed, expressing his belief that the Archbishop of Baltimore, as Metropolitan of the American Church, should be vested with the right of hearing all appeals before they be sent to Rome.[47] His letter was to bring a sharp reply from Propaganda, because it asked in reality that the Holy See should abrogate a canonical right which dated back to the earliest days of the Church. Sometime in the early part of 1817, Bishop Cheverus wrote to Litta defending Neale against the accusation made by the Charleston schismatics that he was anti-English and anti-Irish and had unduly favored the French in his diocese. The opposite was said of Archbishop Carroll, and yet the two prelates had followed the same policy, namely, of favoring pious and zealous priests without regard to national or racial distinctions. "Most Eminent Lord", he adds, "allow me to say boldly (*audaciter*) that there is no danger of allowing to the bishops of this country greater authority; the danger lies in this, as experience has taught us, that some of our Catholics who are that in name only and in spirit Protestants, and also not a few priests who are deluding them, are holding episcopal jurisdiction here very cheap."[48] To this letter Propaganda answered on June 21, 1817, repeating its complaints against Neale for not sending sufficient information to Rome, and declaring that the Holy See was always ready to support the authority of the bishops, legitimately exercised.[49]

Archbishop Neale's death, on June 18, 1817, left the Charleston difficulty to his administrator, Ambrose Maréchal, for settlement.

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[46]Prop. Arch., *Lettere*, vol. 298, fol. 5.7.
[47]*Ibid., Scritt. rifer., Amer. Cent.*, vol. 3, fol. 453-454.
[48]*Ibid., Scritt. rifer., Amer. Cent.*, vol. 5, fol. 190.
[49]*Ibid., Lettere*, vol. 298, fol. 7-9.

In one of his letters to Propaganda before Maréchal's appointment to the See of Baltimore, Du Bourg uses a word which to him sums up Neale's successor—*renitor*, and, as one Frenchman viewing another, the quality of *resistance* which he found in Maréchal's character, will be the note of the next chapter on the Charleston Schism.

CHAPTER VII

The Charleston Schism (1817-1818)

Ambrose Maréchal was in his fifty-third year when the mantle of Carroll and of Neale fell upon his shoulders. Probably no other ecclesiastic in the history of the Church here ever strove so consistently to evade episcopal honors. Named once for the See of New York, appointed Bishop of the See of Philadelphia, and nominated by his warm personal friend, Leonard Neale, for the archiepiscopal See of Baltimore, he escaped the first two posts to fall a victim, as he believed, to the third. His career as a priest had been a singularly varied one. As a young priest, newly-ordained, he crossed the Atlantic before saying his first Mass. He had served on the Maryland Missions, with Bohemia as his residence, and he had later been placed in charge of the classes in philosophy at Georgetown College. In 1803, he was summoned back to France by the Superior of the Congregation of St. Sulpice, to which he belonged, and was entrusted with posts in the Seminaries at Saint Fleur, Aix, and Lyons. He made many friends during the period of his life as a teacher, and it was while he was stationed at Lyons that Dr. Concanen urged the Holy See to appoint the young French ecclesiastic as his coadjutor. In 1812, Maréchal returned to the United States, and was given the chair of dogmatic theology in St. Mary's Seminary, Baltimore. His reputation for piety, learning, and prudence was known to all in the American Church of the day and the correspondence that exists for the period contains many proofs of the confidence placed in his judgment by Carroll and later by Leonard Neale. He was "not only a theologian of distinction but a scholar of great attainments in literature and mathematics. . . . He was a well-read historian and a man of general information. Moreover, his learning was always at his command, for he shone in conversation, shedding light on every subject discussed. Above all he was a charming gentleman, attractive, polite, and kind, without pretension and full of consideration for others."[1] A large collec-

[1]Herbermann, *The Sulpicians in the United States*, p. 181. New York, 1917.

tion of his sermons in English, in their original form, is extant in the Baltimore Cathedral Archives, and they give proof of a well-matured mind; his doctrine is clear, and while here and there the stern hand of the disciplinarian is evident, they are on the whole fine specimens of classical English and must have pleased, as they edified, his audiences.

On June 25, 1817, Maréchal, as Administrator of the Diocese, sent to Cardinal Litta an account of Archbishop Neale's death and obsequies. He had no intimation that, within a few days, the Holy See was to confirm his own election as Neale's successor (July 4, 1817); and hence his letter, filled with fear of the burden placed upon him, rings true:—"If, then," he writes, "my nomination is not finally arrested, I cast myself at the feet of the members of the Sacred Congregation and beg them graciously to grant the unanimous wish of the American Church that David be placed in the See of Philadelphia and Cheverus in that of Baltimore." In regard to the case of Browne and Gallagher, Maréchal makes it clear to the Sacred Congregation that in a country where a frenzied spirit of ecclesiastical independence reigns, the consequences of Litta's decree can only have a dangerous result. Already, he says, the rebels at Norfolk have been strengthened in their defiant attitude on account of Browne's success at Rome, and they were effecting a liaison with the schismatic group at Charleston.—"*Ce n'est point dans un pays tel que les États-Unis, où MM. les Évêques puissent exercer une autorité despotique. Leur grand malheur est d'être dans la desolante necessité de tolérer de mauvais prêtres venus d'Europe, qui dans tout autre pays ne seroient jamais employés dans le st. ministère.*"[2]

The news of Archbishop Neale's death had not reached Rome, when Pius VII wrote his consoling letter of July 9, 1817, rescinding the action taken on October 6, 1816, by the Sacred Congregation. This pontifical brief was sent the following morning accompanied by a kindly letter of regret from Litta himself.[3]

> Your letter of April 13th last [the Holy Father writes], came duly to our hands, sixty-five days after it had been sent. Though we were then in ill health, which, thank God, is now much bet-

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[2]Propaganda Archives, *Scritture riferite, America Centrale*, vol. 3, fol. 461-463.

[3]BCA, Case 12-S2.

ter, we did not delay taking up for consideration the matters mentioned therein, on account of their importance and our love for you. Having sent for our venerable brother, Lawrence Litta, Cardinal of the Holy Roman Church, Bishop of Sabina, and Prefect of the Congregation de Propaganda Fide, we have examined accurately and minutely with him the whole affair; which, indeed, did not present great difficulty to us, since from several letters which have been received here, the Congregation was already in possession of certain knowledge concerning the public scandal given by Father Simon Felix Gallagher, and the insupportable obstinacy with which he has not only shown himself incorrigible for many years, but by means of which he has twice attempted to deceive the said Congregation. . . . Therefore, by the decision of the Congregation, and by our judicial act, the appeal is entirely at an end, and you, our venerable brother, are at liberty to proceed with full and discretionary power against the said Gallagher and his associate, Robert Browne, for we have resolved to approve and maintain whatever measures you may adopt.[4]

As soon as Clorivière heard of Archbishop Neale's death, he wrote at once to Father Tessier in Baltimore, asking for guidance in his difficult situation. Maréchal answered on July 10, reassuring him and stating that it was only a question of time before the guilt of Gallagher and Browne "will certainly be made manifest at Rome and in this country." Maréchal knew the contents of Neale's *dossier*, sent to Rome on April 13, and, as we have seen, the Holy Father had already acted at the time he was thus encouraging the rightful pastor of Charleston.

So, Reverend Sir [he writes], be not despondent. Remain firm to your post. You must, I know, necessarily be exposed to a great many trials and difficulties. But remember that the cause you defend is that of Jesus Christ and His Church, and surely nothing can be more meritorious before God and more honourable before men. . . . The whole prelacy of the United States not only look upon you as being in their communion, they moreover entertain for your person sentiments of esteem and respect whilst they do not see the conduct of D. Gallagher and Browne but with sentiments of religious terror.

Dr. Maréchal advised Clorivière, however, not to allow himself in the future to be drawn into the public press, nor to give the

[4]BCA, Case 12-S2.

rebellious priests any public answer; and it is quite in keeping with Neale's great successor to find him urging Clorivière to conduct himself with mildness even towards his enemies in the city.[5]

Propaganda's letters of July 12, 21, and 26, did not arrive until the following October. The letter of July 21 announced Maréchal's succession to the See of Baltimore. These three letters are an important link in the correspondence, for, with each one, the regret expressed by Litta becomes more emphatic, and there is reason to believe that they were occasioned by the letters he had received from the other American bishops. However, in each of them he reminds Neale that the mistake was not wholly due to the officials of the Sacred Congregation. They had judged the case upon the documents sent to them, and they should not be blamed if the Archbishop of Baltimore had failed to provide Propaganda with evidence against the refractory priests until after the case was adjudicated.

The Catholic Faith in Charleston suffered considerably in the midst of these altercations among the three priests of the city and between the two rebels and Baltimore. Dr. Gallagher appears to have been more inclined to prudence than his confrère in the schism. On July 28, 1817, Clorivière wrote to Maréchal that he believed "these Gentlemen have now lost a great deal of their confidence of being supported by Rome. The elder [Dr. Gallagher] has even expressed a regret of not having reconciled himself with the Archbishop before his death, and that he expects nothing from his Successor, be who it may, from the prejudices he knows they all have against him." Clorivière gives a woeful picture of the conditions of the Faith in the city, and of the serious growth of a *communicatio in sacris*, gradually being fostered by the trustees, which seems hardly credible. Non-Catholics were buried with Catholic ceremonies, and in conferring the sacraments of baptism and marriage there were "many bad practices and false notions." The spirit of the rebellious trustees he described as follows: "They want their liberty and independence in every respect, and the Church is troublesome to them on that account."[6] Maréchal soon realized that John Donaghey's

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[5]BCA, *Letter-Book of Archbishop Maréchal (ad initium)*.
[6]BCA, Case 14-H9.

visit to Rome had more than the Norfolk situation as its objective. He wrote to Cardinal Litta on August 9, 1817, to this effect and begged him to put an end to the facility with which refractory priests and laymen were able to gain a hearing before the officials in the Eternal City. Unless each case were returned to the bishop of the diocese from which the affair was sent for thorough examination, then *plane actum erit in Americana Ecclesia de bonis moribus atque disciplina.* The archbishop-elect, as he was then, evidently decided that no further complaints on the score of not being sufficiently informed should reach him from Rome, for he returns with this letter to the old-time method of sending it in triplicate by different routes.[7]

It was about this time that the incident occurred which is related in the history of the Norfolk Schism, namely, Grassi's account of the surprise expressed by several bishops whom he had met in Europe that summer, that the American bishops permitted Propaganda to play fast and loose with their authority. This indiscreet sentence was copied by Donaghey, to whom Grassi gave the letter for Maréchal, and sent to Litta from Leghorn. There is no mention of this incident in Propaganda's letter (September 20, 1817) to Maréchal, in which the archbishop-elect was assured that Rome fully understood the Charleston and Norfolk situations and gave him complete freedom of action in bringing the schisms to an end.[8]

The Apostolic Rescript of July 9, 1817, reached Baltimore some time in September, and, on the twenty-fifth of that month, the archbishop-elect announced the decision of the Holy See to Dr. Gallagher:

> I have lately received from Rome an apostolic rescript signed by the Pope himself, which it is my sacred duty to transmit to you immediately.
>
> Archbishop Carroll had granted you faculties revocable at will; and his venerable successor was forced by your excesses to withdraw them from you. How evidently just and valid so ever was this revocation, yet under the plea of an appeal to his Holiness, you have unfortunately continued to exercise jurisdiction in this Diocese and therefore you have incurred the censures pronounced by the Church against you a clergyman guilty of

[7]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 115-117.
[8]*Ibid., Lettere*, vol. 298, fol. 593. Cf. Guilday, *The Church in Virginia.* New York, 1924.

such an enormity. You will remark that the Vicar of Christ charges you with having attempted many times to deceive the Sacred Congregation. Had you succeeded, what would it have profited you? All the powers you pretended last year to have obtained from the Holy Father having been granted in consequence of a fraudulent exposition of facts, they were manifestly null and void *ab initio*. You are therefore now in the sight of Almighty God and His Holy Church deprived of all spiritual powers and lying under the censures of suspension and irregularity. Surely you are too much informed, to be ignorant of it, and if you have ever entertained any serious doubts about it, after you shall have read the inclosed decree of his Holiness, they cannot any longer exist in your mind.

Tears flow from my eyes when I reflect on the meritorious and humble life you might have embraced. How many signal favors had not Divine goodness bestowed upon you? You received from heaven splendid talents, a virtuous and learned education; Jesus Christ associated you to his sacred ministry in the salvation of souls. During many years you have announced from the pulpit, with a manly eloquence, the holy doctrine of his Gospel; nay, very lately, you have with your pen victoriously repelled the insidious attack of an apostate against one of its principal tenets. You might have then shone in the church of God as a star in the firmament, commanded the veneration and gratitude of the Catholic multitude, the love and attachment of your ecclesiastical superiors in the holy ministry. A vice disgraceful to any man, but horrible in a minister of God, has operated your ruin! Intemperance led you to rebellion against your Ecclesiastical superiors and prompted you to the perpetration of the sacrilegious acts which ordinarily attend it.

Deplorable indeed is your present situation. However, there remains still a remedy to all your evils. For how great so ever may be your guilt, still the mercy of your God and Saviour is greater. Enter into that very career of sincere penance, which you have so often pointed out to sinners. Like the immortal Fénelon acknowledge your irregularities in as public a manner as you apologized for them. Have the noble courage to announce to your flock that you humbly submit to the supreme judgment of the father of the church; that you are no longer their Pastor; that from this day you have ceased to perform any sacerdotal functions, to give up yourself to acts of prayer and repentance.

I shall fervently pray, my dear and Reverend Sir, Almighty

God to grant you the grace necessary to form this holy sacerdotal resolution, and the fortitude to execute it.

I beg you to inform me immediately of the reception of this letter and of your determination upon it.[9]

That same day Maréchal wrote to Father Browne announcing the result of the appeal and enclosing a copy of the papal rescript:

I find myself under the necessity of transmitting to you an important rescript which I have just now received from Rome. If you reflect an instant on the supreme authority from which it emanates and on its contents, you will see that it deserves most profound respect and attention.

The late venerable Archbishop was forced on account of your open resistance to his sacred authority to withdraw from you the faculties that you had in this Diocese and which were revocable at will. Although this act of his Grace was evidently just and valid, yet you dared to appeal to Rome and fraudulently obtained certain powers for the city of Charleston. Notwithstanding your knowledge of their being completely null and void *ab initio*, you have had the impiety to make use of them within this Diocess: you are therefore now in the sight of Almighty God and of his church deprived of all spiritual powers, and lying under the censures of suspension and irregularity.

Two ways are now laid open before you. One that will lead you, if unfortunately you step in it, to the perpetration of numberless crimes, and ultimately to the everlasting flames of Hell. The other if your penance be sincere, will bring you back to the practice of virtue; will procure you the friendship of your God and all the temporal and eternal advantages annexed to it. May heaven grant me the consolation to hear shortly that you have taken the part which reason and Religion point out to you!

P. S. The late Archbishop had forbidden you to say Mass within the limits of this diocess; surely it is useless for me to observe to you that this prohibition exists now in full force.[10]

Clorivière wrote that these two letters reached Dr. Gallagher and Father Browne on October 4. Browne claims in his letter to Propaganda of May 12, 1818, that he was overcome by the blow the Sacred Congregation had given him in revoking its former decision, but that he decided to submit, in spite of his grave doubts of the authen-

[9]BCA, Special B-J4.

[10]*Ibid.*, an Italian translation of this letter in the Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 164.

ticity of the Rescript. Browne does not mention these doubts in his letter to Maréchal of October 6:

> I received on Saturday last the 4th Inst. your letter of the 25th Ultimo, inclosing to me a copy of a letter of His Holiness to the late Archbishop respecting the ecclesiastical suit pending at the Court of Rome.
>
> Ever amenable to the laws of the Church I cannot for a moment hesitate to submit myself to her Supreme Authority and all other lawfully established authority of our holy Church; in further evidence of the sincerity of these sentiments, I shall abstain from the exercise of all Pastoral functions.
>
> P. S. Your not receiving an immediate answer as requested is owing to my extreme debility occasioned by long and severe indisposition, and am not yet able to leave my chamber; even from the present effort I feel quite exhausted.[11]

Dr. Gallagher's answer has quite a different tone:

> From many circumstances, I have reason to doubt the authenticity of the rescript, a copy of which I have received inclosed in your letter of the 25th September. But, were its authenticity unquestionable, it doth not command me to adopt the plan of resignation, which you recommend; the letter of his Holiness, whose mandates I shall ever obey, goes no farther than to consign the final judgment of my cause to the deceased Archbishop personally. Had it been the will of Heaven, that he should live to receive and execute that commission, he would, no doubt, have allowed me a fair and canonical trial, as was prescribed in the Apostolic Mandate addressed to him, of which a copy is in my possession. This every priest is entitled to before suspension. And the venerable prelate would certainly have allowed it to me after the admonition he received from Rome to that effect. To call my suspension a revocation of faculties is incorrect; the expression in the original letter addressed to me by the Archbishop was suspension, not revocation. And he himself, as well as others, declared to me that it was his intention that my suspension should not be of long continuance. Nay when I visited him last at Georgetown, he expressed to me a readiness to appoint me to any other situation in the Diocess, which might be vacant, except Charleston, with respect to which he contemplated some changes, not easy to be effected.
>
> You speak of irregularity, but you must recollect that whatever of that nature might have existed, was doubly removed

[11]BCA, Case 13-01; copy in the Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 165.

as well by the Papal authority as by that of the Archbishop. And assuredly I could not since have incurred any whilst I acted under the authority of his Holiness and the Sacred Congregation. As matters now stand, it would be deserting the cause of Religion, and unjustifiable in the sight of God and his Church, that I should relinquish the sacred ministry from any private determination of my own, unless compelled by an ordinance as full, and as well authenticated to me, as the commission under which I act. If ever that should take place, I will be justifiable in withdrawing myself from a ministry, which has been embittered by the ambition and persecution of those very Clergymen, who should have encouraged my exertion and mitigated my sufferings. It will not be long before an Archbishop will be appointed, nor can much time elapse before I receive an authenticated account of the final determination of my cause, it will then appear that my enemies will not have much reason to triumph over my overthrow.[12]

Maréchal was not to be deceived by this kind of evasion. The main issue was too clear to be any longer a question of canonical procedure. There is, in Maréchal's handwriting at this time, a series of questions which he evidently propounded to the Doctor and which left no room for tergiversation. These questions he probably sent in his letter of October 16, to the refractory priest:

I shall certainly never attempt to prove the authenticity of the rescript of His Holiness, which I transmitted to you. The task would be both useless and unbecoming, as none but wilful doubts can possibly be entertained about it; and truly if a piece which bears so many evident marks of its being the genuine production of the Vicar of Jesus Christ, be ever allowed to be thus gratuitously treated as a base fabrication, then all the instruments of writing which have been or shall ever be received hereafter from Rome, may be looked upon by interested men as spurious and so an end is put at once both to all correspondence with the Holy See, and indeed to the government of the Catholic Church.

You seem determined to continue the exercise of the Holy Ministry in Charleston, by virtue of the Apostolic Mandate you received last year. Although the late venerable Archbishop, nay the Pope himself, had declared that it had been fraudulently obtained, let us suppose for an instant that the facts on which it was granted, were as fairly and candidly stated as you please. But then take only the trouble of reading it over again with

[12]BCA, Case 21A-L7.

attention and you will clearly see that you have no powers whatever in the Diocess. . . . It was most evident that even in case you should have ever received any powers by virtue of the Apostolic mandate, they were granted you only *whilst the cause* remained pending in Rome; but certainly not for any time subsequent to the final sentence.

Will you say that you had powers before the reception of the Apostolic Mandate?

But remember that on the 21st of February, 1816, our late venerable Archbishop withdrew from you all the faculties granted you by his Predecessor, nor can you plead ignorance of the fact, as this revocation was signified to you by a letter which you acknowledge to have received, and by a solemn address to the Catholic Congregation of Charleston. "I hereby certify," said the Prelate to your flock, "that on the 21st. of February, 1816, I revoked all pastoral powers hitherto granted to the Reverend S. F. Gallagher, revocable at will." Never since has Archbishop Neale granted you any powers in his Diocess. On the contrary far from wishing your services, he uniformly treated you as an obstinately sacrilegious Priest; particularly after your false repentance in New York.

Therefore, if you now perform any functions, you will first *ipso facto* incur suspension, and next the censure of irregularity.

You see, then, Reverend Sir, that I was perfectly justifiable in exhorting you to cease exercising your functions immediately; since you cannot perform any, without a great and manifest crime.

When I saw myself under the painful necessity of transmitting you the final judgment of His Holiness, I fervently prayed Almighty God to grant me the consolation of being the joyful instrument of your reconciliation with your offended Creator, and with the Church which you have so long scandalized, but if you unfortunately pursue your criminal course, you will not be surprised, I hope, to see me take, although reluctantly, the canonical means the Church has placed in my hands to check your irregularity, and save your deluded flock. I will wait however for your final answer.[13]

Gallagher answered this letter on October 28, 1817. Again he attacks the authenticity of the papal rescript.

If it were genuine [he says], it only granted the power to proceed to Archbishop Neale on whom alone power was conferred. But no such person, name, or character was then in existence.

[13] *Ibid.*

It therefore was null according to all laws. *Non datur quod nemini datur.* The Archbishop died without that power and certainly you cannot assume what he did not possess. But not to multiply words in vain, I clearly see that you wish to renew towards me the same insidious and malicious arts by which you have at all times studied to accomplish my destruction. I have long known you to be my most virulent enemy. You were my accuser to the Archbishop. You stand on record as my accuser in the Court of Rome. Therefore, by all laws human and divine, I have a right to except against you as my judge in any case whatsoever. Finding now that you are Vicar-General and administrator, etc., I hereby appeal from your jurisdiction to the supreme jurisdiction of his Holiness, until an Archbishop be appointed.[14]

Father Browne announced his submission to the archbishop-elect to the trustees of St. Mary's Church on October 8, 1817, and declared that he would abstain from exercising the sacred ministry in the parish.[15] Maréchal wrote to him on October 18, fervently thanking God that He had granted Browne the grace of submitting to the judgment of the Holy See.

Such an act of humility and obedience (always painful to miserable nature) [he says], is as honorable for you before men as it is meritorious in the sight of Heaven. The promptitude which you have manifested in returning to your duty, is in my eyes a strong proof of the sincerity of your conversion, and I have no doubt you will readily take all the means which the sacred interests of the Church of Jesus Christ require of you to put an end to the unfortunate consequences of your past conduct.[16]

To this letter Father Browne replied on November 1, 1817:

Your favour of the 18th ultimo has been duly received. It found me still confined to my bed, or I should have immediately attended to it. I am as yet little better, weak, and much diseased. It gave me great satisfaction to find that my prompt obedience was received in that spirit which it was my wish to excite. I assure you that the distracted state of the Church in

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[14]BCA, Case 21A-L8; an identical letter was sent the following day, October 29 (*Ibid.*, Case 21A-L9).

[15]We have only the Italian translation of this letter (Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 166). . . . *"in consequenza della communicazione ricevuta del Revmo Ambrogio Maréchal, Vicario Generale etc., intendo di astenermi dall' escercizio di tutte le Funzioni Pastorale in questa Congregazione."*

[16]BCA, Special B-J6.

this part of the diocese fills me with sorrow. Would to God that I could be instrumental in any manner, acceptable to your expressed desire, in promoting her sacred interests. I anxiously await further instructions to enable me to use my endeavours to promote this desirable object.[17]

On October 21, 1817, Maréchal, having received the papal rescript on September 23, wrote for Propaganda's benefit a long account of the action he had taken with the Charleston priests. The important information he gives is of the alliance between the rebels of Norfolk and Charleston; and he warned the Sacred Congregation that the fight between them and the authority of the Archbishop of Baltimore might only be in its initial stage.[18] In this surmise he was correct, as later events show. There were in his heart serious hopes for the conversion of Browne, though he could hardly accept as absolutely sincere the latter's protestations of submission, since the two priests were still together and since Gallagher's letters at the same time spoke only in terms of defiance. Maréchal understood Browne's letter of submission to be a tactful plea for his own reappointment to St. Mary's Church, and in replying to the Charleston priest on November 17, 1817 he made the issue quite clear that Charleston was excluded forever from the field of his ministry:

Be sure, Reverend Sir, that I shall never demand of you anything more than what the good of Religion indispensably requires.

If your health permit it, I think it is essential that you should withdraw from Charleston and go to some place where, in the company of some pious clergyman, you might spend a few months in spiritual exercises and in agreeable repose. The cessation from all active employment appears to me necessary both to your body and soul. I will most readily grant the director of your conscience all the powers that he may stand in need of to reconcile you with Almighty God. Dr. Gallagher, as you know, is unfortunately determined to pursue his course of guilt and misery. Your remaining in Charleston would be attended with numberless difficulties; as you are bound by the laws of God and of the Church, to keep at a distance from him in all Ecclesiastical matters. Besides, you can never be happy in the midst of the religious troubles which continue to agitate that

[17]BCA, Case 21A-L10.
[18]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 92-95.

city. Certainly this spectacle cannot be but extremely painful to your Religion and sensibility.

But if your weakness be such that you must not remove from Charleston, I will send the Reverend Mr. Clorivière or any other pious clergyman you may call for, the necessary powers. Being once reconciled with Almighty God, in case you wish to be employed in the Diocese, I might send you back to your former congregation of Augusta or fix you in some vacant post, *Charleston excepted.* The only thing I shall require before granting you faculties again, is that in a letter written to me and signed in the presence of two witnesses, you do explicitly testify to me your sincere sorrow for having resisted the authority of the late Venerable Archbishop and been the unfortunate cause of the Schism now existing in Charleston. I will not cease to recommend you to the mercy of Jesus Christ our Saviour.[19]

Browne accepted this "perpetual banishment from Charleston," as he terms it, in good spirit, and left the city for a place in the country with some friends, where he hoped to build up his strength again. After some time his health became better, and he wrote to Archbishop Maréchal, making the fatal mistake of penning therein a justification of all his past actions, while at the same time placing himself at Maréchal's orders. The archbishop replied that the correspondence had ceased.

The official Bulls of Maréchal's election to the See of Baltimore arrived in that city on November 10, 1817, and on December 14, he was consecrated in St. Peter's pro-Cathedral by Bishop Cheverus of Boston, assisted by Bishop Connolly of New York and Father De Barth, the Apostolic-Administrator of the Diocese of Philadelphia.[20]

The oldest See in the United States had now in its spiritual head a leader whose whole life had been consecrated to piety, to learning, and to ecclesiastical discipline. It was to be expected that, once invested with the episcopal power, Maréchal would quickly take up the various problems which were disturbing the even progress of Catholicism within his jurisdiction. In this no one was disappointed. Maréchal was a ruler, occasionally stern, occasionally severe, but

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[19]BCA, Case 21A-L11.

[20]Shea, *op. cit.*, vol. III, p. 41. Shea says that during the vacancy of the See, Bishop DuBourg ordained and performed other episcopal acts while in Baltimore.

always a rigorous upholder of the law of the Church. He had certain biases or prejudices; and once his mind reached a conclusion, it was fairly well known that he could not be changed. His was no easy task. The Church of God in the United States had slipped from the moorings of Carroll's day, and Neale had fought a losing battle with misrule in several of the larger centres of Catholic life. Account must be taken also of the reconstruction adjustments after the war of 1812 in social and civil affairs. American life had not become altogether normal. But the war had brought a new ethical note into the political life of the land, and this was visible in the determined effort to abolish inefficiency in national affairs and to knit the States together in a more compact body. The parallel is quite liable to be overdrawn; but, if political historians see a new period in American affairs with the end of the war and a beginning of a newer national life, as well as a decrease of interest in foreign affairs and a reawakened interest in domestic affairs—conscious as they were of the weaknesses of the Federal government before 1815—a similar change is visible in the Church at this critical opening of a new era. The necessity of a strong centralized authority in the land was visible to all, and the war had dispelled all fear of a firm hand at the helm.

Maréchal's greatness depends largely on the fact that he was a man of his own times, not alien to the spirit of America during the ten years he was the Metropolitan head of the Church here, but moulding his people in a religious way as the nation's leaders were fashioning her citizens politically. His belief in the value of a highly centralized authority never faltered; and from the time of his consecration until his death (1817–1828), the American Church felt his power always present and always fruitful of order and discipline. Maréchal was a *prélat* of the old French school. His picture shows him to belong to that type of ecclesiastic with which we are familiar in the portraits of Fénelon and Bossuet. The brow is broad and noble. The eyes are cold and inclined to flash severity rather than twinkle with humor. The nose is Roman, and the lips are the full, nervous, mobile lips of the orator. The chin is well-set, and the whole contour of the face bespeaks prudence with daring, kindliness with sternness, eagerness with restraint. Several things have been written about Ambrose Maréchal which need only to

be mentioned here; discussion of them belongs to another part of this work. He is said to have been anti-Irish, and he is believed to have been anti-Jesuit. These traits are supposed to be evident in his treatment of the troubles within his own diocese, whenever Irish priests or laymen failed to see eye to eye with his policies; and the long controversy with the Society of Jesus has handed the name of Maréchal on to succeeding generations as one opposed to the members of that Order. No historian of the times can ignore these reflections, and in judging the alleged anti-Irish bias of Baltimore's third archbishop, the extant correspondence is the best guide to Maréchal's racial attitude.

After the letters of Oct.-Nov. (1817) from Browne and Gallagher, the newly-consecrated prelate closed permanently the book of their deeds; he would not treat with a rebel like Gallagher nor a self-justifier like Browne. Schism had brought them under the Church's censure; he foresaw the only alternative to their submission—spiritual death. His answer to the Charleston clamor was to be silence. That silence was to be broken, however, when, on December 3, 1817, a meeting of the pew-holders of St. Mary's Church was held, with Dr. Matthew O'Driscoll in the chair. The situation both in Charleston and Norfolk presents the interesting phase that the recalcitrants were led by physicians, the Portuguese, Fernandez, in Norfolk, and the Irish physician, O'Driscoll, in Charleston. O'Driscoll gave "a cursory view of the distracted state of the congregation" at this meeting, and a series of resolutions were passed to ameliorate the situation. The first of these was to the effect "that this meeting do humbly and respectfully return its most grateful thanks to the Holy See of Rome, for having ordered the removal hence of the Rev. Mr. Clorivière, as a measure calculated to restore harmony to this distracted and suffering congregation." This meant that they had accepted Gallagher's statement that the papal rescript of July 9, 1817, revoking the decision of October 6, 1816, was a forgery. In the second place, the meeting besought Maréchal (then Administrator) to restore to the congregation "an opportunity of enjoying from lips and hands that it can hold in reverence, the benefits of public instruction, and the rites and comforts of its religion." Both Dr. Gallagher and Father Browne, they declared, should be acknowledged as their pastors, so that the "dreadful view . . .

of beholding, through want of proper shepherds, its members straying into flocks, amongst which its ancestors had never roamed" should be ended. A committee of seventeen was appointed to draft a petition in favor of the two rebellious clergymen. The following Sunday, December 7, this committee met, pursuant to its appointment, and drafted the following memorial:

> The Memorial of the subscribers, being a committee chosen at a full meeting of the Pew-holders held in the Vestry Room of the Roman Catholic Church of Charleston, and appointed to frame and forward to the said administrator on their behalf, founded on their resolutions unanimously agreed upon at said meeting, held agreeably to public notice, on the third day of December, A. D. 1817—
>
> *Sheweth:*
>
> That the distressed state of their church, and the forlorn state of their religion, verging on its ruin within this city, loudly calls on its faithful votaries, to make every effort in their power, compatible with the combined sentiments of piety, which they in meekness profess, and of the civil and religious liberties to which they with pride feel, that they are entitled to in common with their fellow citizens, and for the enjoyment of which they almost to a man left the land of their forefathers, and took refuge in a country whose constitution and laws breathe civil and religious liberty—
>
> They have notwithstanding felt an effort calculated to repress this spirit, and to make them yield to a measure, revolting to them, as freemen and as christians, and amounting to even no less, than to oblige them to submit to the religious discipline of a man, whom they deem incompetent to the affording to them any instruction or spiritual consolation; to the opening of their purse strings, against their determined will, for his support; and to receive the sacraments of their religion from hands they cannot reverence; such are these of Mr. de Clorivière.
>
> Your memorialists do not deem it necessary to detail to your Reverence the motives of their aversion to him. (These have been already fully detailed in a former memorial to his predecessor.) It would perhaps be indecent and invidious; they respect too much the garment with which he is clothed to strip him of its sanction, particularly as they are persuaded that your reverence will require no further motive for removing him from them than their solemn assurance that he can do no good among them, and that his presence here will forever be pro-

ductive of continued confusion, and that it may ultimately cause this congregation to dwindle into extinction.

Your memorialists ask and pray from your Reverence, the removal of this gentleman from any interference in their church concerns, with the greater confidence from the circumstance of his being ordered off from this city by the supreme mandate of the college of Propaganda, on a representation similar to the present, made by the members of this congregation to the Roman Pontiff himself; and who through his paternal benevolence and justice towards us, when lately modifying and revoking that rescript, as far as regarded its interference between the Archiepiscopal authority, and the clergyman of our church, has left unrevoked that part of it which ordered the removal hence of Mr. De Clorivière; and which was obtained, solely at our instance and remonstrance, and for our benefit.

As your memorialists conceive and are persuaded, that under such circumstances, his *clerical* functions *here* remain suspended, till expressly restored by the high authority which suspended them; and as the two clergymen, who officiated in our church, are suspended by your Reverence's order, we find that this city affords no clergymen of our persuasion, could we even on other accounts commune with Mr. De Clorivière, who can, consistently with church discipline, perform the functions of our religion therein.

They therefore pray you most earnestly, to provide in such manner as to your wisdom and piety may seem meet, the means of obviating and removing these distressing and frightful circumstances.

Your memorialists beg leave to hope, that in this their most earnest prayer and entreaty, for the removal of the Rev. Mr. De Clorivière from amongst them, they require nothing incompatible with the just authority of the *hierarchy;* and in this hope they find themselves founded by its being already granted, on their representation and entreaty, at the source of that authority in Rome; and by finding it countenanced by the tenth article of the Concordat, established between his present Holiness, and the Consular Government of France, in the year 1801, in these words: "The Bishops shall appoint the curates, but the choice must fall on those who may be agreeable to the government."

Your memorialists are informed, that a similar article is inserted in the late Concordat, between his Holiness and Lewis the XVIIIth. They firmly believe, that it will be found in an article in the different concordats, now negotiating between the Court of Rome, and the different Sovereigns of Europe. And your memorialists anxiously look forward to the day, when

a concordat shall define and settle, the relative rights of the sovereign people, of the Roman Catholic persuasion in the United States, and of their clergy.

Your memorialists beg leave to suggest to your Reverence, that that part of the sovereign people of these United States, in communion with his Holiness the Pope, as their government interferes not in matters of religion, think, and hold themselves, *immediately* intitled, to the same benefits and immunities in their religious concerns, as are established between the court of Rome, and the Sovereigns of Europe, *intermediately* negotiating for the interests and religious liberties of their subjects.

Your memorialists therefore pray, for themselves, and in behalf of the congregation which they represent, and whose voice they repeat, that your Reverence will take into your pious consideration, the weighty subjects contained in their memorial, and grant the required relief prayed therein: And your memorialists will ever pray, *etc.*—

Matthew O'Driscoll,	B. Clark,
E. M. Phelon,	A. D. Torre,
L. B. Depau,	Bernard Mulligan,
Alexander England,	John Magrath,
Charles Lacoste,	Henry Querard
Patrick Byrnes,	A. Barbot,
Joseph Jahan,	James White,
James Huston,	Francis Duboc[21]
John F. Plumeau,	

It was about this time that Maréchal became suspicious of the person or persons who were handling American affairs for Propaganda; and he writes, therefore, on January 2, 1818, not to Cardinal Litta, but to Cardinal Dugnani, whom he had met while Director of the Lyons Seminary, telling him that Donaghey's visit to Rome in favor of the Virginia bishopric was but one of the moves being made to separate the Southland from his diocese and probably from unity with Rome. Gallagher, Maréchal says in this letter, had replied to the papal rescript that it was a forgery, and that his standing was not changed by the letter from Rome—"*Il m'a repondu que le Bref du S.S. étoit une forgérie; qu'après tout il ne touchoit point aux pouvoirs renfermés dans le mandat apostolique qu'il avoit reçu de Rome; enfin qu'il appeloit de nouveau de ma jurisdiction à*

[21]In the *Documents relative to the Present Distressed State of the Roman Catholic Church in the City of Charleston, State of South Carolina* (Charleston, 1818), pp. 8-10.

celle du S. Pontife". What the end of all these scandalous proceedings would be, Maréchal could not foresee; but he was certain that only the Holy Father himself could stop the impiety and boldness of the misguided priest.[22]

On January 9, 1818, Maréchal addressed the following reply to the trustees of Charleston:

Gentlemen,

Your memorial was handed to me a few days after my consecration, and such has been since the pressure of business upon me, that it has been entirely out of my power to answer you, as soon as I wished to do it.

After an attentive perusal of your petition, I observed, that the substance of it consists, in requesting me to remove the Rev. Mr. Clorivière from Charleston.

Although I have for this worthy clergyman the same sentiments of consideration and respect, the illustrious Archbishop Carroll, and his venerable successor Archbishop Neale, have both constantly entertained for him to their last breath, yet if by his removal, I could conceive a grounded hope, of seeing an end put to the afflicting scenes, the congregation of Charleston has these two years past, exhibited to their catholic brethren in the United States, I would not hesitate a moment to withdraw him from the post he now occupies, and assign him to another. I know his great piety, and I am sure he would immediately obey my order; but before I ever take such a measure, I must have some certainty that it will lead to the establishment of the reign of peace and religion in your city, otherwise my compliance with your request would have no other effect but the increase of the evil. Let us suppose I should now withdraw the Rev. Mr. Clorivière from Charleston, who would then take care of his faithful and pious flock? As the first Pastor of this diocese, it would be my sacred duty to provide for their spiritual necessities, by sending into your city another clergyman. But gentlemen, can I flatter myself with the hope that this new appointment will put an end to the scandals and troubles which now prevail among you? Will you solemnly promise me that, you will receive with respect, obey and maintain the new pastor I might send you? Are you sincerely resolved never to suffer any Clergyman deprived of faculties, or on account of scandalous conduct lying under ecclesiastical censures, to officiate in the church of which you are the trustees, never to support them in their sacrilegious ministry, never to associate with them

[22]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 4, fol. 40-42.

in religious concerns? In a word, are you willing to be governed by the sacred laws of the Roman Catholic Church, of which you sign yourselves members, or are you determined to make use of the liberty we enjoy, under our free and happy government, to introduce into the spiritual and temporal administration of your congregation, sectarian principles, totally subversive of the discipline sanctioned by the whole Catholic world? I beg you gentlemen to answer these questions, with christian candor and simplicity; your next letter will be the rule of my future conduct.

Permit me before terminating this letter to make one observation.

You tell me that, according to the apostolic mandate, I am bound to send *your* present Pastor out of your city; this assertion truly surprised me. It is a fact indeed that such a mandate came from Rome about two years ago, but this rescript, having been fraudulently obtained, far from being of any weight, constitutes those who solicited it, eminently guilty in the eyes of the Holy See; as H. H. Pius VII himself has solemnly declared in the brief transmitted to me, dated Rome the 9th of last July; nay, I may tell you gentlemen, that the Holy See leaves me the absolute liberty of withdrawing the Rev. Mr. Clorivière from Charleston or not, according as I shall think the measure useful or not. Here are the very words of his holiness, transmitted to me by Card. Litta on this subject, "*nihil hac de re tibi praecipimus neque ex animi nostri sententia intendimus insinuare, conscientiam nostram exonerantes, integrum plene tibi esse volumus, id decernere, quod magis in Domino, ad animarum utilitatem catholicaeque fidei praesidium opportunum judicabis.*"

Divine Providence having placed me at the head of this ecclesiastical province, I wish from the bottom of my heart, to be useful to all the Catholics who live in it. I love them all with the fondness a good father feels for his children, happy indeed, if I can ever give you proof that I entertain for you these sentiments.[23]

In their published account—*Documents relative to the Present Distressed State of the Roman Catholic Church in the City of Charleston, State of South Carolina* (Charleston, 1818, pp. 26)—the trustees add several footnotes to Maréchal's answer. The first of these accuses Clorivière of having officiated in the city "during sixteen months, in open and audacious contempt of the Papal mandate,

[23] *Documents relative etc.*, pp. 10-12; copy in the BCA, Case 22A-D1.

which ordered him peremptorily hence." Clorivière answered this accusation as well as the others contained in the brochure with a pamphlet entitled: *Further Documents showing the causes of the Distressed State of the Roman Catholic Congregation in the City of Charleston* (Charleston, 1818, pp. 37).[24]

Maréchal's letter of January 9 was read at a special meeting of the Vestry, and "the following answer . . . was read, approved of, and ordered to be to him forwarded":

> Your view of the memorial of the Pewholders of the Catholic Church in this city, together with that, no doubt, from the rest of the congregation, which was forwarded to you in aid of it, was precisely that intended to be conveyed; they both consisted in a request to remove from this city the Rev. M. De Clorivière, as a measure indispensable to the restoring of harmony among the faithful therein. This was requested as a favour, though it was presumed that it may be insisted on as a matter of right, secured to them by a mandate from Rome, obtained from the paternal benevolence of the sovereign Pontiff, on the pressing solicitation of this congregation alone, and conveyed to it in the most authentic form.
>
> We deeply lament, from the tenor of your answer, to find the little probability there is of obtaining our request; and of seeing that harmony, which we sigh for, restored among us: this congregation has solemnly asserted to your reverence that the subsisting confusion will continue, while Mr. De Clorivière remains among us, and we can give you no further or more authentic assurance, calculated to sway your determination on that subject.
>
> The congregation deeply laments the afflicting scenes you state to have been exhibited to their catholic brethren for two years past in the United States, but cannot admit that it has contributed to them. From a participation in the dreadful responsibility this includes, they revolt. It rests on the shoulders of him, who has been by this congregation uniformly represented, as the instigator thereof, and who still, it seems, lends his aid for its continuance.
>
> You are pleased to propose to us the following interrogatories, which you beg may be answered, in Christian candor and simplicity, the answers to which are to govern your future conduct.
>
> *1st Interrogatory.* Who would take care of the Rev. Mr. De Clorivière's faithful and pious flock, should I withdraw him from Charleston; but, gentlemen, can I flatter myself with the

[24]Copies of these two pamphlets are still found in many old Church libraries; several copies are in the BCA, Case 21A-T1.

hope that this new appointment will put an end to the troubles and scandals, which now reign among you?

2nd Interrogatory. Will you solemnly promise me, that you will receive with respect, obey, and maintain the new pastor I may send you?

3rd Interrogatory. Are you sincerely resolved, never to suffer any clergyman, deprived of faculties, or on account of scandalous conduct lying under ecclesiastical censures, to officiate in the church of which you are trustees; never to support them in their sacrilegious ministry; never to associate with them in religious concerns?

4th Interrogatory. In a word, are you willing to be governed by the sacred laws of the Roman Catholic church, of which you sign yourselves members, or are you determined to make use of the liberty we enjoy, under our free and happy government, to introduce into the spiritual and temporal administration of your congregation, sectarian principles, totally subversive of the discipline, sanctioned by the whole Catholic world?

You beg us to answer these queries in Christian candor and simplicity; and that our next letter will be the rule of your conduct: we will endeavour to do so, that nothing should be wanting on our part.

Answer to 1st Interrogatory. We know not whom you may provide for them, we know nothing of their affairs, nor have we any interest in them; we only know, that they are an inconsiderable number, we have kept aloof from them; and have looked on them as seceders from the mother Church, under the guidance of a pastor, officiating in contempt of a Sovereign Mandate, issued by the authority of the Roman Pontiff. As to putting an end to the scandals and troubles among us, the removal of the man, to whom they have been constantly attributable, must be the first step, towards obtaining these desirable results.

Ans. to 2nd Interrogatory. We are not prepared to promise, that we will respect or maintain any pastor longer than he shall deserve our respect and maintenance; we have afforded no reasons to doubt the correctness of our conduct towards such. As to obeying him, we are not aware, what kind of obedience he may exact; the term is indefinite; but to confine it to some precision, we deem it proper to inform you, that in the administration of the temporal concerns of our church, we admit no superior to direct or control; being vested with that trust as well as by the laws of the state, as by the will of the congregation, for which we act.

Answer to 3rd. Interrogatory. We disclaim any interference in ecclesiastical disputes; nor will neither assume the right of deciding such contentions; nor of exercising on such occasions, any compulsion towards priests; the one would be in us presumption, the other indecent. If any reference be intended in this interrogatory to our conduct, with respect to the pastors, who have officiated in our church, it is notorious that our interference respecting them, went no farther, than the bearing to their conduct and character, honorable testimony, we find them discontinuing their functions; we know not on what ground; nor have we presumed to inquire.

Answer to 4th Interrogatory. We are not casuists, we are ignorant of the canon law, but we presume, that no doubt ought to be entertained of our conducting ourselves, as faithful members of the Roman Catholic church, of which we have always given better proofs, than our signing ourselves such; our constant and our present struggle for its interest, speak for us. We acknowledge, that we are resolved to avail ourselves in all our concerns, of the liberty we enjoy under our happy government, which from its constitution, interferes not in the spiritual concerns of any sect; therefore, the use of that liberty can never be called to aid, in the pursuing of sectarian principles, which we abhor; or in subverting the discipline of the Roman Catholic church, which we reverence, and which we trust will be maintained in its purity, in all its conflicting interests, within the United States.

We have thus, Most Rev. Sir, endeavoured to answer your queries, from pure motives of compliance to you; and in hopes, that our acquiescence may conduce, to the restoring to us the rights and comforts of our religion.

You are pleased to say, that you are surprised at the assertion, that "Mr. De Clorivière continued his functions here in defiance of the Roman Mandate." We cannot account for this, you know that we had not received any repeal of it. It was obtained solely on our application, and supplication to Rome; and as men and christians, owing a paramount duty to themselves, we are bound not to yield to the injurious charge, that we "fraudulently obtained it". It was a free and benevolent boon from the Holy See, conveyed to us on our representation, in the most authentic form; and which we preserve, and insist on a right of enjoying, till deprived of it in the same authentic form. This mandate, you say, issued about two years ago, and that you received the power, under date of 9th July last, to modify or countermand it. It was then confessedly in force for eighteen months, consequently Mr. De Clorivière continued

his functions in this city, during that period, in contempt of this mandate; even this we must consider a great objection to him, as it directly affected the peace and harmony of this congregation; and kept alive feuds and animosities, which would have, by this time been healed, had he not resisted the mandate obtained with that intent, and for that salutary purpose, on our part and in our behoof. Here he violated our interests.

We will, Most Reverend Sir, conclude, by reiterating our request to you, to use your influence with the Rev. Mr. De Clorivière, to induce him to comply with the Mandate removing him hence, as an essential requisite towards restoring harmony among the faithful here, and without which, communicated to you, must necessarily be realised.

We are truly afflicted with the daily view, our city affords, of upwards of five hundred Catholics, deprived of the comforts of their religion; which their resort to within the naked walls of our church on Sundays, which numbers of them practice, can but miserably supply.

We remain very respectfully, most Rev. Sir, your humble servants,

E. M. Phelon,
James Huston,
B. Mulligan,
M. O'Driscoll,
P. Byrnes,
B. Clark,
A. Ulmo,
A. England,
Henry Querard.[25]

The absence of any mention of Dr. Gallagher or Father Browne in this correspondence is not an artful one. The trustees had decided, as we learn from a letter sent by Lawrence Ryan on January 29, 1818, to the archbishop, not to interfere "between your reverence and our former clergy". Their object was the removal of Father Clorivière, and Ryan gives as an instance of the justice of their demand the rather singular method Clorivière adopted to secure a separate cemetery—that of exhibiting to the City Council the correspondence which had passed between him and Archbishop Neale, and in which the unfortunate weakness of Dr. Gallagher was discussed in a manner not suited for the public. The City Council was indignant and ordered the correspondence to be returned unread.[26]

Browne appears again on the scene in a long letter, dated at

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[25] *Documents relative etc.*, pp. 12-15; original in the BCA, Case 22-A6.
[26] BCA, Case 20-J3.

Stono (a little village outside the city), February 6, 1818, in which, Maréchal has written on the last page, he "vindicates his conduct". Browne had decided that "neither my candor nor the justice I owe to my character as a Clergyman will now permit me to silently prostrate myself under such a charge", as that contained in Maréchal's letter of November 17, 1817. He makes out a strong case in his own behalf, based upon Propaganda's letter of October 6, 1816, and he hints that unless Maréchal should not, after a reconsideration of the subject, "rise disburthened of these prejudices, which in my present critical situation are so injurious to my interest", he will be obliged to have recourse to Rome for justice.[27] Maréchal's answer to this "justification" is dated February 10, 1818, and it repeats the course of events and of correspondence from the origin of the Charleston difficulty up to that date. The archbishop permitted himself to make use of several words and phrases with which Browne made capital in his appeal to Rome the following May. The mandate of October 6, 1816, Maréchal calls "famosus", meaning "*infamous*". He satirizes Browne by calling him Gallagher's "ambassador", and Browne's retort was that the French *junta* in the American Church did not want the Holy See to be informed of the true state of affairs here lest it interfere with their autocratic rule. "You conclude your last letter", Maréchal writes, "by requesting me to transmit you my orders. I am extremely sorry to tell you that such is the unfortunate tenor of your justification that you put it out of my power to give you any. The hope I conceived about your future happiness is almost vanished; and I am afraid all I shall be able to do in your behalf, will be to beg fervently Jesus Christ, my Divine Saviour, to grant you the grace of a sincere conversion."[28]

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[27]BCA, Case 13-05.
[28]BCA, Case 13-06.

CHAPTER VIII

The Charleston Schism (1818-1819)

Meanwhile the rumor was current in the United States that Cardinal Litta had granted to the Norfolk Trustees the *jus patronatus*, which they interpreted as meaning the right to choose or to reject their pastor. If such be the case, Maréchal wrote to Dugnani on February 21, 1818, then a brand has been thrown into the American Church. This would be bad enough, he says, but what is of positive scandal is to see two priests creating a schism with an Apostolic Mandate as their support; but such will ever be the case, unless the Sacred Congregation acts more prudently in the matter of judicial appeals.[1] A certain amount of sympathy is due to Cardinal Litta in all these miserable misunderstandings. No official of the Sacred Congregation had a more profound affection for the Church in the United States. He had acted, as he thought for the best in 1816, when he decided in favor of Gallagher and Browne, for the fear inspired in his kindly heart by Browne was the danger of the perversion of the whole flock in Charleston. Considering the monotonous slowness of the mails at that time; the impossibility of keeping a uniform hold upon the correspondence between Rome and Baltimore, owing to the uncertainty of sailing vessels; the action and counter-action of various influences in the Eternal City; and all these difficulties inextricably mingled with racial antipathies which no Italian could be expected wholly to understand, it is indeed surprising that the tangled web of the Charleston Schism was ever unravelled. At the same time that Maréchal was placing before the Holy See the truth of Dr. Gallagher's conduct, Bishop Connolly was writing from New York to Litta himself, excusing Gallagher for the odd (*qualche volte*) occasions on which he had given scandal, and assuring the Cardinal-Prefect that in the two Carolinas and in Virginia life was so dissipated that intemperance was not such a deplorable thing.[2]

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[1]Propaganda Archives, *Scritture riferite, America Centrale*, vol. 4, fol. 67-70.
[2]*Ibid.*, vol. 5, fol. 103.

Dr. Gallagher knew too well the road in which the trustees were marching in their blundering way, in insisting upon the removal of Clorivière. Rather than submit to such an abrogation of his authority, resting as it did upon something higher than human gift or human polity, Archbishop Maréchal would have no alternative except to command the lonely soldier in Charleston to remain at his post until the end, whatever that might be. Gallagher had now decided upon a compromise, though his letter of March 11, 1818, filled with insolence and scorn, is eloquent with the frenzy then prevalent among the rebels in Charleston. One sentence should be taken out of its context for emphasis: "I know men who possess the abilities and inclinations, and who have in contemplation a most efficacious plan". These words undoubtedly refer to the scheme of creating an "independent Roman Catholick Church of the United States", dependent on the Jansenist Church of Utrecht. The letter, written in his involved English, runs as follows:

> Whatever may be your personal prejudices against me, I hope you consider me as a Catholic priest, sincerely attached to his Religion and sorely afflicted by the dissentions that now prevail in two numerous Congregations. Enough and more than enough has already been tried and experienced in Religious hostility, in the contest between the vigour of authority, perhaps overstrained, and the efforts of resistance, perhaps imprudent. Things have now gone too far to enter into such discussions. The people are in movement, and will not be easily controlled. . . . But it is not their sufferings that is the most afflicting object to an enlightened mind. Religion—that Holy Religion, which we all venerate and love, is threatened with extinction in this happy country, where it would one day flourish, if not destroyed by the dissentions of those who profess it.
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> You will please to remark, that I neither accuse Superiors alone, nor entirely justify those, who have resorted to means of self-defense. My sole object is to direct your attention to the present and future calamities, which must arise from an inflexible obstinacy on both sides, if persisted in. The sad spectacle of the present is under your eyes. You can not behold it without sorrow, neither can I. This only I will remark, that it might have been foreseen by the wisdom of superiors, and prevented by their moderation. For in this case above all others, *Summa jus summa injuria.* The flame that now exists far exceeds the spark by which it was kindled two years ago;

and so far may it be exceeded by the conflagration it is likely to produce in two years more, unless it be now extinguished. Each party may perhaps console themselves, by imagining they have not been the cause, or will not feel the effects of these deplorable calamities. But the truth is, all have contributed to them. *Iliacos intra muros peccatur et extra.* The discussion of that subject is not now the means of redress. The injury Religion will sustain is beyond the reach of human calculation, which no doubt all will feel and deplore. Personal afflictions will be no less poignant. The people will rage conceiving themselves the victims of oppression. The two suffering clergymen will be forced to relinquish the ministry, and find a recourse in other pursuits, and your society, which would otherwise be useful and respected may be rendered as odious to Catholics throughout the United States, as it is at present to those of Charleston and Norfolk, who consider the Clergymen they have known only as the agents of that powerful body. Fear not that I shall lend my aid to this ungracious task. But I know men who possess the abilities and inclinations and who have in contemplation a most efficacious plan. I hope it may not be realized, for Religion ever suffers in the disparagement of its ministers.

Many evils I foresaw from the origin of this unhappy business; and with other humble supplications I besought the late Archbishop to consider consequences, that might arise. I was not heard. On presenting the Mandate from Rome, I humbly intreated him to consider that instrument as a means of peace afforded by Jesus Christ in mercy to all, and communicated by his Vicar on earth. It was not received as such. From that day evils have increased and are increasing daily; nor will any vaunted triumph over us arrest their progress. Peace was always necessary, and is now more necessary than ever. It is not yet out of reach. And can it be possible, that the Wisdom and benevolence of Superiors will not adopt some plan of reconciliation, rather than see all things rushing a down hill race to destruction! Two considerations have hitherto prevented me from addressing you any letter on the subject. In the first place the light, in which you must consider me from the calumnies of my enemies, justly inferred from their conversations and denunciations here, forbade the attempt as presumption and useless, and in the second place, your considering the Papal mandate at first as of no avail, and afterwards as revoked by a rescript were positions I could never assent to. These seemed to form an insuperable bar to reconciliation; for I knew myself incapable of altering, denying or dissem-

bling my clear and sincere convictions. Indeed I sometimes reflected, that however strongly the contrary opinions were impressed on your mind, yet that my well-founded bona-fide belief might exculpate me in your eyes. But even this salutary hope was precluded by the sentiments and denunciations expressed here, which I could not otherwise construe, than as conformable to your instructions. Why then do I at present break through these restraints? Because in a storm every man on board, whether captive or free, will put his hand to a rope, and save the ship.

By letters some time ago received from Baltimore, and indeed by the first I had the honour to receive from you, I was authorized to believe that you were disposed to overlook minor considerations, if principles could be reconciled. I must embrace this opportunity of begging your pardon for the harsh language used in my answers to the second. You were not then Archbishop or I should have written in a different style. Your benevolence will make allowance for the feelings existing and your present high station must elevate your mind above personal resentments. In this confidence, I will venture to submit to your enlightened consideration some ideas, which I think might facilitate and lead to the restoration of peace. All circumstances are very complicated and the most desirable means of extrication are perhaps the best attainable. At such a crisis, prudence may embrace what is within reach. Might not therefore your wisdom and Benevolence induce you to pass by the subject of private complaints, to let the doubtful discussions concerning the validity of the papal mandate and the authenticity and force of the Rescript rest, for the present undecided, until time should bring forth or entirely supersede a full discussion on these points, provided, in the interim, both authorities, to wit, the Archiepiscopal and the papal, were preserved safe and inviolate? Now this I conceive could be accomplished in the two ways following: either by your appointing me Pastor of Charleston by your own authority, in conformity with the desire of his Holiness expressed in the mandate; or else, by your giving me another appointment by your own sole authority, which I would now willingly receive. By either means, both the Papal and the Archiepiscopal authorities would be respected, without any collision of incompatibility between them. The latter I think might be rendered very efficacious in restoring peace.[3]

To this lengthy discussion of the causes and occasions which

[3]BCA, Case 21A-L11.

figured in the schism, Archbishop Maréchal wrote one of his usual short and forcible replies. He had experienced a profound sentiment of grief when he was, the previous year, "under the disagreeable necessity" of transmitting to Gallagher the sentence pronounced against him by the Holy See. His disappointment in the Doctor's failure to submit to this decision was mitigated by the hope that he might yet be the instrument of Gallagher's reconciliation with the Church.

> Your return to your duty [he writes], must be grounded on religious motives and principles. True penance can alone heal your wounds and those you have inflicted on religion in this country. Your doubts about the authority of the Brief of his Holiness, your gratuitous accusations of my having prejudices and even enmity against you, have appeared to me, from the beginning, mere *ruses de guerre* . . . whenever you shall have repaired your scandals by acts of penance commensurate to their extent and give me a real security for the correctness of your future conduct, then I promise you not only to deal with you with benevolence and charity, but even with friendship.[4]

Gallagher's answer (April 4, 1818), while not containing the humble admission of his fault, expressed a disposition "to perform any duty presented by Religion and to co-operate to the utmost of my ability to the restoration of peace."[5]

The trustees had held another meeting of the pew-holders on March 13, 1818, and had drafted another memorial to the archbishop, warning him that, unless their letter of January 25 received immediate attention, they would have recourse to the higher tribunal of Rome, in order to have Clorivière removed. They gave His Grace of Baltimore twenty days to answer them, and reiterated the *motif* of all their letters: "that the removal hence of the Reverend Mr. Clorivière is an essential requisite" for peace.[6] On March 21, Dr. Maréchal sent the following message to the trustees:

> *Gentlemen.*—When my venerable predecessor observed, that he could not control any longer the spirit of schism and discord, which had broken out in your congregation, he ordered Mr. Clorivière to establish a church in your city, in behalf of the Catholics, who sincerely wish to live up to the precepts of

[4] *Ibid.*, Case 21A-L12 (Maréchal to Gallagher, March 27, 1818).
[5] *Ibid.*, Case 21A-L12.
[6] *Documents relative etc.*, pp. 15-16.

their holy religion, and under its discipline. In compliance with the request of his ecclesiastical superior, this Reverend gentleman, with considerable troubles and personal expenses, hired and fitted up a place, in which he could perform Divine Worship.

Among the Catholics with whom I have conversed, there is but one voice in his favor; all acknowledge that he fulfils all the duties of a good Pastor with zeal, disinterestedness and singular fidelity. He is sober, pious, pure in his morals, and edifying in his conduct. Every Sunday he feeds his flock with the word of God, is particularly attentive to form children in the fear of God, and the practice of all christian virtues. He administers the sacraments with assiduity, takes a tender care of the sick &c. &c. &c. Who among you has ever applied to him for any functions of his sacred ministry and has been refused? You persecute this worthy Priest, as far as it is in your power in this land of liberty. And yet, after the example of his divine master, he still loves you all, prays for you all, and is ready to sacrifice even his life for the salvation of your souls, and those of your children. Were you to lay aside for a moment your unjust prejudices, instead of being the object of persecution, he would certainly be this of your attachment, respect and gratitude.

However, gentlemen, if his removal from Charleston could be a means of peace, I would instantly withdraw him from his present post, and do all in my power to send you another clergyman.

But, I ask you again, will you engage to receive the new pastor I may send you, with respect, obey and maintain him, as you are bound to do by the law of Almighty God and those of his church, as long as he shall not be deprived of his sacred office by me, who am his only lawful and competent judge; or do you ask me to remove your present pastor with an ultimate view to put in his place some unworthy clergymen, deprived of faculties, or suspended from their functions, on account of their irregular and scandalous conduct?

I beg you, gentlemen, so reflect in the presence of Almighty God, on the awful responsibility annexed to your office of Trustees. One of the most sacred duties, is certainly to love and respect your lawful pastors, to support them in the painful exercise of their ministry, to protect them against the intrigues, malice and violence of their enemies, and whilst they spend their lives to lead you to eternal happiness, to render, through religious gratitude, their situation comfortable and peaceful. You are particularly and strictly bound by natural, ecclesiastical

and divine law, to exclude from the church of which you are guardians, all unworthy clergymen who have no powers, and are not in communion with their Archbishop; otherwise it is manifest, that you render yourselves guilty of the innumerable sacrileges and profanations which they commit in consequence of the protection and support you grant them. I know such a crime is not punished by the law of the land, but what terrible sentence awaits those who co-operate to it at the tribunal of J. C.

You may, whenever you please, put an end to all these scandals, which have these two years past taken place in your church. I do not demand from you to submit to any arbitrary and unjust rules of government, God forbid! I require only, that you be governed by the sacred laws of the R. C. church, admitted throughout the whole christian world, and particularly in this diocese. But if you expect, that I shall ever place at the head of your congregation unworthy and scandalous clergymen, you will certainly be disappointed, for I can never do it, without being guilty against the laws of my God and of the church; nay, without an evident infraction of the law of charity towards yourselves; seeing you engaged in a bad road, my sacred duty, as your chief pastor, is not to walk with you, but to bring you back to the truth path and save you from ruin.[7]

The trustees received this letter on or before April 9, 1818, when they held a hurried meeting in Colonel Phelon's home to consider its contents. The passage concerning Clorivière gave them great pleasure, since they interpreted it to mean that the Archbishop was at last inclined to remove the French priest for the sake of peace. As "an indispensable means of restoring peace and harmony to our congregation", they assured the archbishop that Clorivière's departure would bring a speedy end to the controversy, and they suggested that his removal be ordered at once, even before the appointment of his successor. There is no direct mention of Dr. Gallagher as their choice for the post, but they make the request that if possible a priest with Dr. Gallagher's eloquence be sent to the city.[8] They waited a month for Maréchal's action upon this letter, and not hearing from Baltimore, the vestry was again convened, and a Petition to the Holy See, dated May 13, 1818, "was read, maturely considered, and unanimously adopted". The Peti-

[7] *Ibid.*, pp. 16-17; copy in the BCA, Case 21A-L12.
[8] BCA, Case 21A-L6; printed in *Documents relative etc.*, pp. 18-19.

tion was signed in the presence of a notary public, and then the *dossier* which accompanied it was "authenticated by the seal of the State, and the Governor's signature":

> The Petition of the Vestry men of the Roman Catholic congregation in the city of Charleston, in the State of South-Carolina, in North America, by law established as its organ, to his Holiness Pope, Pius the VIIth, after having duly and regularly taken the sense of their constituents, on the different subjects it contains. In behalf of them, and of all the zealous Roman Catholics of this State;
>
> *Humbly showeth,*
>
> *That,* We, your petitioners have been long struggling, to preserve and to strengthen the interests of our holy religion in this city. That our efforts to that effect, have been unceasing, since the death of Archbishop Carroll: Since that deep calamity, which befell the Catholic religion in North America, a system has been established at Baltimore, by a Sulpician faction, which has brought our holy religion to the brink of ruin in these Southern States. We have ineffectually tried all means, that we could resort to, on this side of the Atlantick, to obviate this pending calamity, as we trust, and are confident will fully appear, from the Documents which accompany this remonstrance, to your Holiness, to which Documents, we beg leave to refer, whenever necessary, to the support of our complaints, and to the fairly setting forth the pressure, we labor under; from this we now take refuge, under the paternal protection of your Holiness.
>
> *That,* We must candidly avow, that we had but little hopes, that the succession of the present Arch-Bishop, would put an end to our troubles; we knew, that he was the adviser and promoter of them, under the former incumbency, and we consequently expected, from his characteristic petulance, and rooted prejudices, to feel these most poignantly; we have not been deceived: the respectful Memorial of all the Pew-holders in our church to him, together with that of almost all the other Catholics in this city, were unavailing, the cup of our afflictions is now filled to overflowing.
>
> *That,* The interests of our Holy Religion lie at this moment prostrate, within our city, and throughout the whole extent of this State; *that,* it pains us to give expression, to the poignancy of our feelings, in such a language as is adequate, to making them understood that we would feign respect the authorities, set over our spiritual concerns; but, we owe a superior obligation to truth, and to our own eternal welfare, and that of our

families. We are therefore constrained to declare to your Holiness, that the system pursued by the present Archbishop of Baltimore, with respect to us, is calculated to prostrate the Roman Catholic religion within this State, forever, and without the prompt interference of your Holiness, will most assuredly have that effect. It was the system pursued by his predecessor, Archbishop Neale, over whose errors we shall pass lightly; would to God, that they were buried with him, but they are not only resumed, but they are reinforced by his successor. They seem to be the inheritance of the Archiepiscopacy of Baltimore, now more deeply radicated, by the national prejudices and predilections of the present Archbishop.

That, This system of proceeding, consists in introducing into our churches, and bishopricks, foreigners, contrary to the vital interests of our religion; as they are incapable of sustaining and promoting them in a country, where the minds of men are generally sway'd by reason, persuasion, and eloquence; and who, if they attempted to instruct their flocks from their pulpits, would only excite contempt, or laughter. It is needless to insist further with your Holiness, on the absurdity of confiding the interests of the mission, in this country, to such promoters of it, as these; it could only be equalled, by choosing Englishmen, or Americans for preaching the gospel in France, and for rebuilding the broken down edifices of morality and religion in that country.

That, This system consists further, in a claim by these avaritious foreigners, retreating in crowds to our shores from starvation and insignificance in their own country, of possessing and controlling the temporalities of our churches; and thus acquiring an ascendency, which our political institutions allow to no ecclesiastics.

That, We with gratitude received from your Holiness, through the Propaganda, on our representation and prayer, an Order to the Archbishop, for the removal hence of Mr. De Clorivière; he was, notwithstanding, retained in this city, in the exercise of his functions, and mischievous efforts, for sixteen months after, contrary to the express terms of the mandate, though due notice of its contents was served on him; this sufficiently shows, how little your Holiness's authority is respected in Baltimore, when in opposition to the mischievous plan adopted there.

That, The Archbishop has outraged our feelings, as men and Christians, by asserting, that we fraudulently obtained that Mandate from your paternal hands, which was graciously accorded to us on our petition; the faithful execution of which, would have restored peace and harmony to this afflicted con-

gregation; injurious imputations of this kind, are not calculated to sooth heart-burnings, such as ours—we hold it language unbecoming ecclesiastical meekness.

That, We have been told by the Archbishop, that subsequent instructions from your Holiness, have empowered him to retain in this city, Mr. De Clorivière; but even the meager extract of your communication, which we extorted from him, *if it bore on that subject,* shews, that he did not execute your Holiness's benevolent intentions, for the attempt to force this man upon us as our pastor, however, it might have gratified his own private views, could never have been conceived by him to be, "*Quod magis in Domino ad animarum utilitatem catholicaeque fidei praesidium opportunum sit*".

That, The Provisional Decree, restoring to our clergymen, the exercise of their clerical functions, and to us the rights of our religion, was hailed with gratitude and joy. It afforded a short, but important season of consolation. We thank your Holiness for the boon, had it not luckily continued in operation, during our late exterminating visitation of the yellow fever, many a soul would in this city, have deserted its body in distraction and despair. We trust, that Almighty providence, watched over their destinies, and guarded them, in their last moments, from the exercise of Archiepiscopal discretion: doubts are even entertained of the authenticity of the revocation, from its informality; it came to us without seal or countersign.

That, The dread of a return of this Epidemic, at the approaching Summer, petrifies the faithful here, as the revocation of that decree by giving loose to archiepiscopal authority, precludes all hope of spiritual succour, to its miserable victims.

That, Our clergymen are arbitrarily deprived of their functions, under the sanction of that revocation, without providing any others for us, as we requested of the Archbishop, and that we have been accused by him of supporting them, against the authority of their superior; when it was notorious, that we interfered not between them farther, than the giving honorable testimony in their favour; but stopped their sallaries immediately on their suspension—whatever may have been the original charges by the Archbishop, the door of mercy is now closed at Baltimore against them, by daring to carry their appeal to your Holiness's feet; the exercise of no severity is deemed there too great for such an offense.

That, We cannot, however, as christians, and as friends, but sympathise with them, in their forlorn condition, cast, without mercy, pennyless on the world; precluded by the nature of their profession, from earning their bread, in any other manner,

condemned without a hearing, by the department they have been accused by, and this with a manifest intention of forcing upon us, its mischievous agent; this procedure is so contrary to the ideas of distributive justice, held sacred in the jurisprudence of this country; and appears here, so subversive of moral rectitude, as to confirm the obloquy, under which our religion suffers, in this country, and to sink it still deeper, in the estimation of our fellow citizens; into that of a barbarous system, better adapted to the political institutions of Africa and Asia, than to those of the free republics of America.

That, Your petitioners feel themselves humiliated, by the odium this casts upon their discipline, in the minds of their fellow-citizens, of other persuasions. In vain do they try to vindicate their religion and pontifical justice, at the expense of the Baltimore Junta: they are told that this subversion of justice, is a proof of radical error at the source of power; thus, doth the reflection ultimately attach, in their minds, to the Holy See itself; thus, have the best institutions often suffered, through the faults and errors of their subordinate agents: as to ourselves, we are sufficiently convinced, that at the sacred fountain of mercy and justice, in the seat of St. Peter, accusation and condemnation are not admitted as at Baltimore, to be simultaneous; to be convinced of the contrary, we have only to read the provisional decree, but such procedure unless timely put an end to, will, we assure your Holiness, destroy the Roman Catholic Religion in the United States of America, where every claim for authority and power, is brought to the severe test of reason and justice. Here 'tis true, there is a fertile soil for the cultivation of our religion; but this as yet weak and tender plant, must be managed with caution and care, to enable it to come to maturity, where there are many impediments at present to its growth; but the presumptuous and unskillful cultivators of it in Baltimore, will gather but a miserable harvest. We assure your Holiness, that if the influence of the Jesuits and Sulpicians there, receive not an immediate check, either a frightful schism will take place, or that the members of our church, will become protestants, of some denomination or other, of which this country affords a great variety, and towards which it affords also, many facilities. In the first place, there is nothing more required here, to become a protestant, than the hiring a pew in the protestant church, and frequenting it occasionally; no profession of faith, or public recantation is necessary; nothing that is calculated to wound the feelings, or shock prepossessions; interested motives cannot be suspected, as inducements; all sects live in harmony with each other;

people pass frequently from sect to sect without exciting the least interest. Protestants and Roman Catholics are in many instances, conjoined by the tenderest ties; in these a union of sentiment in religion becomes easy, and will even add to the harmony of these families, and the steadiest votaries of our religion, will console themselves with the reflection, that they have been driven to the measure, by those who ought to have nourished and strengthened them in their faith; they are ready to cast, with confidence, their future destinies on the mercies of their God; and the dread responsibility, on the souls of those, who shall have been the unavoidable cause of it.

That, Having received no answer from the Archbishop, to our letter of the date of the 25th day of January, 1818, for nearly seven weeks, and being fully aware of his plan, of harassing us by delay, into the adoption of Clorivière, as our pastor; we wrote to him under date of the 18th day of March, 1818, that if we received no communication from him within twenty days, we would make our application for redress to your Holiness. What justice and duty could not effect this threat did, and we received his letter of date the 21st of March, 1818, promising that he would remove Clorivière from hence; after insulting us with a panegyric on him; and that he would send us a pastor, if we would promise to "maintain, honour and obey him". Though knowing that he had promised Clorivière at his post; as his letters, triumphantly published through this city specified, and though we felt, the injury of putting such queries to us, whom he had accused of even too great kindness and partiality for our pastors; we answered these queries, in the affirmative, and thus put his sincerity to the test; we requested his speedy reply, but, as was foreseen, we have received none, and his worrying plan of procrastination is continued. His agent here deceived him, his information from Clorivière was, that our predilections for our clergymen, and not his own demerits were the sole cause of our aversion to him, and that we would agree to no terms, short of their reinstatement in our church, this he thought would put us in the wrong, with your Holiness, should we remonstrate. He made this experiment on us, for this insiduous purpose, it has failed and we now confidently adduce this failure, in his keeping his solemn promise to us, of removing Clorivière, as a test of his insincerity and prevarication.

That, Though we cannot be worn down, by the Archbishop, to a dereliction of what we owe to ourselves, to our posterity, and to our revered civil and political institutions, the spirit of which he attempts to violate and frenchify, in his experiment

for subjugating the Roman Catholics, in this country, his conduct has had however influence enough, and has completely succeeded, in wearing out in the minds of the faithful here, all respect and reverence for himself. We have therefore, come to the firm and final conclusion, of having no further communication whatever with him; but, hold ourselves ready, to receive your Holiness' determinations and instructions, either directly or through the Bishop you may appoint, to preside over our spiritual concerns, and to put a stop to the desolating progress among us, of the Baltimore system.

That, To avert these evils, and their fatal consequences, as far as in us lies; we now, with humility and devotion, cast ourselves at the feet of your Holiness: We implore your paternal protection, for our religion in these States; we beg of you to rescue us, and its interests, from the fatal influence, which is now precipitating them, into ruin. We beg, we intreat, we pray you, to erect the states South of Maryland, viz. Virginia, North-Carolina, South-Carolina and Georgia, into a Bishoprick; these states, in which Archbishop or Bishop has never yet trod, in which the oldest native Catholics, have not received the benefits of the sacraments of confirmation, or the other strengthening consolations, which a visit from such a prelate is calculated to impart. We assure your Holiness, till this be done, the Roman Catholic religion, will continue prostrate, as it now is in these states, and that the Archbishop of Baltimore will fill the protestant churches here with Catholics, who had it not been for him, would have continued steadfast in the faith: Though we are ready, willing and enabled, to support, with dignity, a Bishop in this city; we are indifferent in which of these four states he may be located, or what name the Bishoprick may bear; your Holiness' pleasure, on that subject, will be received with cheerful deference: we aim at nothing but the preservation of our religion in these states.

That, At a full meeting of the Congregation, convened for that purpose, on the 3rd of May, 1818, our unanimous choice fell on the Rev. Thomas Carbery, of the Order of St. Dominic, an Irishman, who has held a dignified station in the church, in his own country, to be nominated to your Holiness, for this important station. Our feeble voice can add nothing in his favour, but the assurances, that we have received, and in which we have the utmost confidence, of his worth, of his talents, of his piety. He has however with us, we must confess, the peculiar merit of being obnoxious to the Baltimore Junta: His high and unbending integrity, render him unfit for cooperating with it. If there be any objection to him there, it must arise

from this motive, and this, we are convinced, is dreaded. Any reference, therefore, to Archiepiscopal discretion, on the subject, would be tantamount to a rejection of our Petition to your Holiness; but from your justice and benignity, and from the momentous interests at stake, we expect, that your immediate Fiat will bring order out of confusion, in our church, and gladden the hearts of your obedient children in S. Carolina.

That, We have thus candidly, and unreservedly represented to your Holiness, the frightful disorders, that exist in our church, and the means, they may be remedied by; we think it our imperious duty; and when we have thus faithfully and conscientiously, discharged it, should the ligaments, that now bind yet the faithful here to the See of Rome, be unfortunately severed, we call the all seeing eye of Providence to witness, that we have done all in our power to avert the misfortune; and that we have shaken off from our shoulders, the dread responsibility it shall involve. In proof of this, we present to your Holiness our whole correspondence with the Archbishop.

But we cannot yet believe, that the support of a worthless, and avaricious faction, at Baltimore, (grasping at power it can never obtain), will be preferred, to the eternal happiness of the present race of Roman Catholics, and millions unborn. Surely, surely, we do not cry in vain for redress, to the father of the faithful, to whom the interest of the flock, must be dearer, than the support of the authority of its perverse and unfaithful shepherd.

The United States open an abundant field for the cultivation of our holy religion; truth never before had fairer play; the mind of men has fewer prejudices to struggle with here, than any where else; it is fairly open to conviction; the Roman Catholic religion was vigorously shooting forth, and bearing fair and abundant fruit, when blighted by the breath of Sulpicians and Jesuits; who are now swarming, like locusts among us, to consume the fruits of our religious zeal; and who, if we mistake not, have even excited the jealous suspicion of our rulers, suspicion that may fall heavy on the interests of our religion; whatever tends to shackle the mind of man, is considered here as unfit for encouragement; any institution that claims prerogatives in hostility with our constitution, and laws, cannot exist among us: The constituted authorities take alarm at foreign influence of any kind, no *Imperium in Imperio* is here admitted; it would be doleful indeed, to find this jealousy of pontifical projects and claims in this country, supposed to be set on foot by its accredited agents, increased; this may ultimately arise to the banishing of them by law from the

shores forever; which notwithstanding the interest we have in their absence, we should be extremely aggrieved at; as their impudence and misdeeds would be laid to the account of our religion; for the promotion of the now tottering interests of which in this state; for the prosperity of the Holy See; and for the future heavenly bliss of our Supreme Pontiff, are poured forth the daily prayers of

Your Holiness's most affectionate, and most Obedient children in the faith; the Vestrymen of the Roman Catholic Church, in the City of Charleston, State of South Carolina, in North America.

Charleston, May 13, 1818.

E. M. Phelon,
M. O'Driscoll,
A. England,
P. Byrnes,
B. Mulligan,
B. Clark,
J. Huston,
A. Ulmo,
J. F. Plumeau.[9]

Two Schisms had now coalesced. Norfolk and Charleston had joined to force the dismemberment of the Diocese of Baltimore, and simultaneously with the Norfolk Petition in favor of Father Carbry as the bishop of the prospective See, went this Memorial to the same effect. The selection of Father Thomas Carbry by both groups must have had some cause which is still hidden. Neither Browne nor Gallagher seem to have been implicated in the plot to create a separate diocese out of Virginia, the two Carolinas and Georgia. Dr. Gallagher in fact states in a letter to Maréchal (May 22, 1818) that he neither approved nor participated "in the late movements of the Vestry";[10] and Browne sent by the post of May 12, 1818, his long Italian *dossier* of the documents in his own case, and certainly he hid nothing of importance in this lengthy statement.[11] Neither of these two priests would have acted thus, had they been the silent partners of the Vestry in their plan to divide the Diocese of Baltimore. Maréchal answered Gallagher's plea of May 22 for reconciliation with the condition that the misguided priest "include (in any plan calculated to heal the wounds you have inflicted on the American Church) an authentic acknowledgement of your guilty conduct from the time you were deprived

[9]*Documents relative etc.*, pp. 21-26.
[10]BCA, Case 21A-L14.
[11]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 104-124.

of your faculties by my predecessor to my transmitting you the first sanction of his Holiness."[12]

As the situation stood before the officials of the Sacred Congregation at this time, certain facts were clearly defined in the haze of American Church affairs. The revocation of the papal rescript placed within Maréchal's hands sufficient power to conquer the misrule which had barricaded itself within his diocese. Maréchal had suggested that the two Carolinas and Georgia be separated from the Diocese of Baltimore and be erected into either a suffragan See or into a Vicariate-Apostolic subject directly to the Holy See. Charleston was the logical place for the residence of the bishop in this prospective See. The trustees of Virginia had petitioned for a separate bishopric. The trustees of Charleston were petitioning for a separate bishopric. The selection of the two Vestries was Father Thomas Carbry, O.P. The highest officials of the Dominican Order in Rome testified to the character of Father Carbry. Bishop Connolly, who had known him in Rome, had written several times in his favor. The things that clouded the horizon were: Maréchal's opposition to Carbry, owing to the latter's sudden incursion into the Diocese of Baltimore, unasked, and to his ministration of the sacraments without faculties from the Archbishop; the thorny racial question involved in the *trusteemania* of the South, where two groups predominantly Irish were opposed to French pastors; the impossibility of removing either Father Clorivière or Father Lucas without abrogating the juridic right of the Archbishop; the antipathy to the Sulpicians, aroused by virtue of the antipathy to Maréchal, a member of that Congregation; the unrestrained spirit of liberty, amounting almost to Jacobin sullenness, among many of the trustee boards in the Church here; and lastly the half-concealed jealousy of the restored Society of Jesus. Above all these there was ever the more serious problem of correspondence. The delays in the carrying of mails with the long journey across the Atlantic and then by post-chaise to Rome, constituted a most distracting element in Church government. If ever caution were necessary, it was with American affairs; for with all their eagerness to assist and to support the nascent American

[12]BCA, Case 21A-L15.

Church, the officials of Propaganda Fide upon whom the responsibility of decision rested could never be certain that any problem on church discipline would remain here *in statu quo* until the decision of the Sacred Congregation arrived. Cardinal Litta cherished a strong attachment for the United States. His was a statesmanship which rejoiced in the growing democracy of the world at a time when its leaders in Europe were endeavoring to forge new shackles for the political revolution which had set in, and which Vienna, Aix-la-Chapelle, Troppau, Laibach, and Verona endeavored in vain to stifle. His letters to the American hierarchy were an appeal for patience and confidence. "*Je me flatte*", he wrote to Maréchal, on April 1, 1818, "*de pouvoir à l'avenir donner en toutes les occasions à Msgrs les Évêques des États-Unis des preuves de cette estime et de cette confiance qu'ils meritent si fort sous tous les rapports*"; and he asks for repicrocity.[13]

The authorities at Rome, then, as is quite common still to-day in Europe, were impressed with the vastness of America; and in this geographic factor they saw many of the problems which had arisen in Church discipline in this country. Bishop Connolly, than whom no one at the time in America knew better the system of Church government which prevailed in Europe, urged Propaganda to create new dioceses—one to each State was his suggestion—since in this way the scattered Catholics would be more easily reached and the bonds of discipline be kept intact. Between 1815 and 1820, the States of Indiana, Mississippi, Illinois, and Alabama, had been admitted to the Union, and in 1819 Florida was ceded to the United States. East of the Mississippi all the States and Territories were well organized, and the trend of population was strongly westward. In the distribution of the American people in 1820, parts of Ohio, Indiana, Kentucky, Tennessee, and Louisiana were as thickly settled as the States along the Atlantic. From 1808 until 1818, the ecclesiastical divisions of the United States remained the same, and from six episcopal centres (Boston, New York, Philadelphia, Baltimore, Bardstown, and New Orleans) the life of the Church radiated. New dioceses were necessary to keep step with the growth of the nation, and Maréchal had informed the Holy See that the South needed a distinct ecclesiastical centre.

[13]BCA, Special B-K5.

It was in conformity with his wishes that the Sacred Congregation decided (June 6, 1818) to form a separate diocese composed of the three States of North and South Carolina and Georgia; and in order that Church life in this new ecclesiastical territory should have all the freedom it needed for growth, Propaganda declined to make it a Vicariate-Apostolic immediately subject to the Holy See. The American Church had its own distinct hierarchy, Litta wrote to Maréchal at this time; and it should be a compact organization, depending upon the Metropolitan See of Baltimore, in order that its progress be uniform and its development in harmony with the American ideals and policies. Besides, as Litta points out, were the new territories and States to be made Vicariates-Apostolic, the Holy See would retain the privilege of sending Vicars-Apostolic to those parts; whereas the attitude of the authorities in Rome was to allow Maréchal and his suffragans to select for Propaganda's consideration the names of those most eligible to the office of bishop.[14] Propaganda's plan at this date was not to dismember Virginia from the Diocese of Baltimore, but only the two Carolinas and Georgia, as Maréchal had requested, and this decision is repeated in a letter from the Sacred Congregation the following month (July 11, 1818).

As a preliminary step in the matter, Propaganda wrote to Bishop Connolly suggesting that he offer Dr. Gallagher a post in the Diocese of New York. If the New York prelate found that impossible, and if Gallagher then refused to obey Maréchal, he would be punished as he deserved. "*Scribo Revmo. D. Joanni Connolly, Neo-Eboracensi episcopo, ut illum in suam dioecesim accessire curet; sed quoties ipse renuat tibique obtemperare recuset, illum gravioribus poenis coercere curabimus.*"[15] Cardinal Litta's letter to Bishop Connolly (July 25, 1818) recalls to the mind of the New York prelate that on several occasions he had highly praised Gallagher (*Ella fa grand'elogio del Sig. Gallagher*), and perhaps the Charleston priest would be willing to accept a post under him in that city. Virginia, Litta adds, is not to be separated from the Baltimore Diocese.[16]

[14] *Ibid.*, K7; copy in the Prop. Arch., *Lettere*, vol. 299, fol. 272.
[15] Prop. Arch., *Lettere*, vol. 299, fol. 382.
[16] Prop. Arch., *Lettere*, vol. 299, fol. 402. Gallagher had written to the Arch-

We come now in the course of our documentary history of these troublesome years to one of the most important reports ever sent from the Church in America to the Sacred Congregation de Propaganda Fide—Maréchal's *Ratio Status Religionis Catholicae in Dioecesi Baltimorensi,* despatched to Rome on October 16, 1818.[17] Among the hindrances to Church progress in the United States, the archbishop singles out for special consideration the schisms which have been born of America's own peculiar ecclesiastical disease—*trusteemania.* His *Ratio* summarizes all that we have seen thus far in our story of the Charleston Schism, and it urges the erection (*idque quam cito potest*) of the See for the Carolinas and Georgia as a sure means of bringing that Schism to an end. We have another example at this juncture of a curious attitude on the part of an Archbishop of Baltimore: he regrets that he knew no priest in the United States whom he could recommend for the new See. Dr. Carroll had said the same thing about New York in 1808, and yet the fact is that State possessed very worthy men in the two O'Briens. And now after ten years, during which time more than once criticisms were rife regarding the appointment of "foreigners" to American Sees, Maréchal pens the same statement. A glance at the names in the clergy-list, appended to the *Ratio,* heightens the mystery. The Jesuits and the Sulpicians both had in their Rules the promise to decline ecclesiastical dignities; but so many exceptions had been made in obedience to the will of the Holy See, that one cannot help wondering what it was that prevented the Archbishop of Baltimore from presenting the names of high-minded and self-sacrificing clergymen, like the Sulpician Tessier and the future Bishops Fenwick, Dubois and Bruté, or Anthony Kohlmann and Enoch Fenwick, of the Society of Jesus. Rome knew these priests and knew that they were grown grey in the service of the Lord here. Their experience in the American mission-field had given to each

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bishop on June 29, 1818 (BCA, Case 21-A-L3) a frenzied justification of his conduct since his entrance into the pastorate at Charleston. It is evident from this letter that all hopes of his reclamation were gone. He calls on Heaven to give Maréchal Carroll's spirit of mildness.

[17]Printed in the *Catholic Historical Review,* vol. 1, pp. 439-453; original in the Prop. Arch., *Scritt. rifer., Amer. Cent.,* vol. 4, no. 53. Hughes prints salient paragraphs in his *History of the Jesuits etc.,* Documents, vol. I, part 1, pp. 245-246, 500; part II, pp. 911-914, 957-958, 1049.

of them valuable insight into conditions here. And yet, there was Maréchal's statement—*Doleo quod nullum in Foederatis Americae Statibus sacerdotem cognoscam quem ei ultro commendare possim ad illam sedem occupandam.* He stresses the necessity of appointing neither a Frenchman nor an Irishman, but an English priest, and he gives his preference for a priest about forty years old, strong and of good health, on account of the arduous life of the missions, and for one who could speak French; and yet in his own city there was James Whitfield, an Englishman, educated in France, well-trained in the English Missions, Maréchal's closest friend and at the time in the full vigor of mature age.[18]

Either of the two Jesuits, Benedict Fenwick, who succeeded Cheverus in Boston, some seven years later, or James Wallace, whose reputation for learning in scientific circles in the United States was an enviable one, would have been an excellent choice for the new See of Charleston. Maréchal includes them in his general statement that he knew no American priest capable of the task of ruling the Southland, and yet it is these two priests whom he sent in October, 1818, to Charleston to bring order out of the misrule created by the trustees—"*illuc misi duos praestantissimos sacerdotes Societatis Jesu, unum natione Americanum, alterum Hibernum.*" He had obtained them only after much pleading with the Superior of the Society.

After a passage of nine days from Baltimore, the two Jesuits, Benedict Fenwick and Wallace, arrived in Charleston, on November 7, 1818. Father Clorivière expressed great happiness over their coming; and as Fenwick wrote on November 10, to the archbishop: "The greatest joy apparently prevails amongst every description of persons on our arrival. All seem anxious to have the unfortunate differences terminate. I have adopted and shall continue a plan of reconciliation suggested by Mr. Clorivière which I cannot but deem highly proper, as it manifests a disposition to discontinue in a marked and decided manner the unwarrantable proceedings of the actual trustees in the full rejection of the ground they seem to have taken."[19] The correspondence which follows this announcement

[18]*Notice of the Most Rev. James Whitfield,* in the *United States Catholic Magazine,* vol. IV (1845), pp. 460-463.
[19]BCA, Case 16-N6.

is a voluminous one. Letter after letter came from the two priests to the archbishop and they display, especially those from Fenwick, a consummate prudence and an inexhaustible charity towards all. If Fenwick permits a malicious word to escape him, it is usually about the "ten million mosquitoes" that pestered him. On November 16, he wrote:

> In my last communication, I acquainted you with the method I had determined to pursue in effecting a reconciliation and my fixed resolution not to make any advances which might be construed by the Vestry into a triumph of their party over the true and faithful flock and especially over you, their lawful bishop. I am happy to inform you that my plan has completely succeeded, and things have been conducted and arranged, I trust, in such a manner as cannot but give you pleasure. Having kept myself perfectly aloof from any one of their body (except Mr. England whose visit and polite attentions I thought required a return of civility), and having observed a profound silence, I received last Thursday through the medium of Mr. England, a member of their Board, a polite request to see and converse with them.

The following day, Fathers Fenwick and Wallace met the Vestry. Fenwick began by mildly remonstrating with them on their publication of the Documents and of their unwarrantable resistance to Maréchal's authority. The trustees admitted their fault in creating and abetting the Schism, but claimed that "they were driven to extremities by Rev. Mr. Clorivière, whose presence they could not endure and by the terrible apprehension that he would be continued amongst them in spite of their antipathy or rather disgust." St. Mary's Church was still closed by the interdict, and the trustees expressed the wish that it would now be opened by the two priests and divine services be renewed. That, Fenwick told them, would depend upon their acceptance of the archbishop's conditions. These conditions which were to be adopted and affixed to the constitution and rules of the Church, are contained in the following letter:

Gentlemen,

> I herewith forward to you certain Resolves deemed by the Most Rev. Archbishop of the utmost importance. He wishes them, as an evidence of your submission to his Archiepiscopal jurisdiction, recorded as a supplement to your bye-laws and

signed by the members of your Board. I need not express to you, Gentlemen, the high satisfaction he will derive in common with his Brethren throughout the United States, from your compliance with a measure of so salutary a tendency so essential to the interests of the holy Roman Catholic Church and to the complete restoration of peace and harmony to this portion of his Flock. In the hope of seeing a speedy termination put to the unhappy differences which have so long distracted this respectable Congregation by the removal of the Interdict, which I am empowered to do, as soon as I shall have been officially informed that the enclosed resolves have been carried into effect. I remain, Gentlemen, With sentiments of the highest esteem and consideration, *Your obt. servt.*

BENEDICT FENWICK.

Supplement.

1. Resolved, That the pastor or rector of the Church be and is hereby acknowledged and declared a member of the body corporate and President of this Board, by his own right, with full power to vote on every question relating to the concerns of the church; and on all occasions, in his absence when there is an assistant-Priest, he shall enjoy the same right.
2. Resolved, That the regulation of the interior of the Church, such as, Divine Worship in all its branches, administration of the sacraments, the management of the choir, etc. shall belong exclusively to the Pastor or Rector.
3. Resolved, That the Pastor or Rector shall always receive his salary as long as he is authorized by the Archbishop, and the Vestry shall never attempt to expel him or receive another; but if they are dissatisfied they must lay their complaint before his Superior, the Archbishop. No Priest unauthorized by the Archbishop shall ever be received into the Church, and no man shall ever have the power to shut the Church doors or interrupt divine service or established order as long as the incumbent clergyman is authorized by the Archbishop.[20]

This declaration excited "prodigious ferment" among the members of the board, and Dr. O'Driscoll, the evil genius of the Charles-

[20]BCA, Case 16-N7.

ton rebellion, opposed its acceptance with great warmth. The trustees feared that, once they accepted the "Supplement," it would give to the two priests whom by this time they highly esteemed, the right to quit the city and to leave them with Father Clorivière as their duly accepted pastor. A committee of three called upon Fenwick and placed the dilemma before him. Fenwick told them quite frankly that he "had always understood .... that [*Clorivière*] was to leave the city as soon as he could arrange his affairs and that they need not be under any apprehension on this point." The Vestry then submitted, and the next morning Father Fenwick removed the Interdict on St. Mary's, "to the very great joy, I can almost say, of the whole population of Charleston."

Father Clorivière felt that he had not come out of the unpleasantness with honor. Fenwick found the French priest "a worthy and pious man" and one deserving of the highest respect, but he feared that "under existing circumstances, he will want that prudence the crisis requires—by inflaming the minds of his respectable little flock, telling them that they will be insulted, trampled under foot by the Vestry, and never respected etc. etc. . . . I therefore most seriously think, the sooner he leaves this city the better; there will never be a perfect peace and harmony so long as he remains."[21] This sentiment was shared by Father Wallace, who wrote to the archbishop on November 16, 1818, that peace could not be restored until Father Clorivière was changed from Charleston.[22]

Meanwhile, it must be remembered, both Dr. Gallagher and Father Browne were living with friends in the vicinity of the city and were often seen together in public. The day after the arrival of the two Jesuits, Father Browne called, and not finding them at home, left his card. A few days later, Father Fenwick returned his visit, but during the conversation nothing was mentioned about the Schism. "Since that time" [Fenwick writes, December 7, 1818], "I have not seen him. I believe he keeps himself in general pretty much retired and I have yet to learn what his views are or what he intends to do." Dr. Gallagher was in Columbia in November, when Fenwick and Wallace reached Charleston; but he returned as soon

[21]BCA, Case 16-N7.
[22]BCA, Case 21-D1.

as he learned of their arrival, and one morning in November, during Mass, Fenwick was surprised to see him enter the sanctuary in cassock and surplice and take part in the services. At the end of the Mass, Fenwick took him aside and told him very politely that his suspension *a divinis* would not permit any share in the services at St. Mary's. "He appeared surprised, and after reflecting with himself for some moments, he observed: 'If that be the case, I shall give you no trouble. I shall submit and retire. Tomorrow I shall go into the country and spend the winter with my niece, and you may be assured I shall not interfere further.'" The following morning, prior to his departure, he sent Fenwick the following note:

> To prevent any misconception which would necessarily produce new dissensions, I request that you will communicate to me in writing the orders you have received from the Archbishop as far as relates to my exercising the functions of the ministry in South Carolina, of which I have been appointed Pastor by the papal mandate, which I consider as still unrevoked. Conceiving that you have no discretionary power, but merely act as agents of the Archbishop I shall not enter into any discussions with you, but merely solicit the statement above mentioned which your justice and candor cannot refuse, as being essential for the regulation of my conduct.[23]

To this letter Fenwick replied:

> In answer to your polite note of this morning requesting information respecting the orders I had received from the Most Reverend Archbishop on the subject of your exercising the functions of the ministry in this state or any other part of his Diocese, I shall frankly acquaint you that he does not consider you under any respect authorized or having any powers to exercise any functions of the ministry and has charged me to prevent any such exercise on your part as far as is in my power.[24]

The same evening (December 5), the following statement came to Fenwick in Gallagher's answer:

> The information you communicated in your note of November 28, is peremptory. It leaves no room for discussion and only requires me to acknowledge it and thank you for your timely candour and benevolence, which I should have done sooner, but was forced to travel a great distance in search of a boy who missed me on his way to Columbia.

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[23]BCA, Case 16-N8.
[24]*Ibid.*

I am resolved to submit to the orders of the most Reverend Archbishop and refrain from exercising the functions of the ministry. I need not acquaint you that I regret the privation, as I could easily establish another Church with his permission. For eight months past, I have endeavoured to obtain a reconciliation, but unfortunately could not give the satisfaction required. Some declaration was finally suggested by a Reverend Gentleman rather of a speculative than practical nature which I did not consider as a correct proposition and rather tending to increase my embarrassment. I therefore relinquished the hope I had entertained, and thought myself under the necessity of adopting a proposition incompatible with the mission, although I conceive that to be my vocation. The alternative was painful. I still hesitated and delayed until the joyful news of your appointment arrived. This circumstance appeared to me most auspicious. I conceived that heaven had inspired the Archbishop to send to the congregation angels of peace; as such I announced you to Dr. O'D. and others. I thereupon kept myself free from any other engagement and resolved to place my cause in your hands, for I could not wish more friendly mediations. You are in possession of my sentiments and enabled to state them to his Grace. On my part I shall be guided by your counsels and receive with grateful sentiments your kind communications on this interesting subject.[25]

"All is quiet here as to the affairs of the Church in general," Fenwick adds at the end of this long letter, but he renews his request for the speedy removal of Father Clorivière, on the ground that the two groups of Catholics would never unite while he remained at the head of the little Chapel.

Father Clorivière left Charleston later in December, 1818, and at the archbishop's invitation accepted the post of chaplain to the Visitation Sisters, at Georgetown, where he arrived on January 19. Here he remained during the rest of his life. He passed away at the Convent on September 29, 1826.[26]

The result of Father Clorivière's departure was an immediate "Union of the Chapel and the Church," which took place on New Year's day, 1819. The election of a new Board of Trustees, on Jan-

[25] *Ibid.*

[26] The traditional account as related in the *Annals of the Georgetown Convent* (pp. 198-199), and in Marique's article (*Historical Records and Studies*, vol. VIII, pp. 206-207), is inaccurate. The dates given above are verified by the Book of Professions at the Convent.

uary 4, did not bring about, however, the exclusion of those members who had abetted the Schism; and it became known that Dr. O'Driscoll who led them in their determination to hold the Church in their possession, had never completely accepted the pastorship of Fathers Fenwick and Wallace. O'Driscoll had influenced his compatriots with the hope that ere long Charleston would become a See independent of Baltimore. It was at this time that Fenwick became aware that the mission of John Donaghey of Norfolk, who had gone to Rome, was to plead for a bishopric for the whole of the Southland, and that the Charleston trustees were a party to the scheme. Fenwick proposed that the archbishop give him authority to abandon the trustees with all their works and pomps, St. Mary's Church included, and build another church to be deeded to Maréchal and which should be without trustees. The greater part of the Catholic congregation in Charleston would welcome such a measure and would support the new building. Dr. Gallagher had not gone to the country as he proposed, but had taken possession of a house in the town, belonging to the Church. "Both he and Browne 'hang on,' it would seem, in the expectation that something will come from Rome in their favour. I have understood, however, that Mr. Browne intends going to Italy next Spring. I hope it may be the case, for neither he nor the other will ever be able to do any good in this place, and may yet do much harm."[27]

The action of the trustees in packing the election of January 4, was a clear indication to Father Fenwick that their desire to have Clorivière removed was but a cover to their real intentions. They meant to uphold to the end their "right of patronage" which they interpreted as meaning complete control of ecclesiastical affairs in the city. They passed a series of resolutions at that meeting which were in direct opposition to the clauses of the "Supplement" they had already accepted. While this recrudescence of the old *trustee-mania* did not interfere with Father Fenwick's labors in the city, he foresaw the eventual result of the Board's action. On March 1, 1819, he proposed that Maréchal visit Charleston to give Confirmation to the Catholics there. The archbishop's visit to Norfolk the year previous was still a matter of great satisfaction to the faithful

[27]BCA, Case 16-N9.

Catholics of Virginia, and the congregations in Charleston, Savannah, and Augusta expected a visit from Maréchal at the time Fenwick wrote. Browne and Gallagher were still in town. The former Fenwick seldom met, but Dr. Gallagher was attending Mass every Sunday, and was making himself heard in the choir. "The only mischief he and Browne do here at present is that of staying here whilst under suspicion and thereby keeping alive a spirit unfavourable to peace."[28] Browne, as we know, was daily expecting an answer from the Holy See in response to his *dossier* of May 12, 1818. That Propaganda treated his statement of the case between the archbishop and himself with considerable attention is evident from the minutes in the *Acta* of the Sacred Congregation for 1819. Two opinions were handed down, one refusing absolution from censures, and the other voting in his favor. Evidently, Propaganda deferred action for the time. Browne grew weary with the delay, and decided to go to Rome to plead his case personally. Dr. Gallagher made a further appeal to Maréchal on March 1, 1819, and the archbishop has summed up his letter on the back as *Evasive*: *No Repentance*.[29] By this time Gallagher had given up his plea for justice and was asking for clemency, but Maréchal refused to deal with his rebellious subject except on the basis of a public written acknowledgment of his guilt in abetting the Schism.

Father Fenwick writes again on May 13, telling the archbishop that all was quiet in Charleston. The O'Driscoll faction was collecting money to pay Browne's passage to Rome, on condition that he there exert himself to obtain a new diocese for the Southern States, independent of Baltimore. The trustees had spoken of Browne as their choice for the new See, but only amongst themselves, for they were keeping the real motive of the subscription a secret. Browne was to sail in a day or two with a Captain Tate, who offered him a free passage to Bordeaux.[30] Browne sailed about the end of May, and he disappears from the scene for about a year.[31] A letter from Maréchal to Propaganda, dated June 19,

[28]Fenwick to Maréchal, Charleston, March 1, 1819 (BCA, Case 16-N10).

[29]BCA, Case 21A-N11. One of Fenwick's first acts as Vicar-General was to appoint Dr. Gallagher pastor of the congregation at Savannah, on account of the coming Paschal season (BCA, Case 16-O21).

[30]BCA, Case 16-N11.

[31]Among the few documents which we have found for the story of Browne's

1819, announced Browne's voyage and its object—his election to the See of Charleston—*si forte aliquando sedes episcopalis Carolopoli erigatur, eumdem nominare dignetur ad illam occupandam.*[32] Dr. Gallagher left Charleston in June, his object being to confer with Father Carbry in Norfolk.

> This last gentleman [Fenwick writes to Maréchal on June 22, 1819], I have just learnt has arrived there to my very great astonishment and the more so as I am informed he is acting independently of your Lordship and with the approbation of the Holy See; which I shall be extremely sorry to find true, well knowing the dreadful effects such an approbation of His Holiness will produce throughout the country at large to the very great and almost irrevocable injury Religion will sustain from it. Whether approved I cannot but deem the conduct of Mr. Carbry in the highest degree reprehensible under existing circumstances and as being calculated to establish a precedent to be regretted hereafter especially if being authorized as I hear he is, he did not call by Baltimore on his way thither and show his powers to your Lordship. What a triumph this will be to the enemies of good order and to the disappoint-

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stay in Rome at this time is one in the Franciscan Archives, at Merchant's Quay, Dublin, from the Charleston priest to Father Michael McCormick, the brother of James McCormick, who has already appeared in these pages:

"*Rome 19 Novr. 1819,*

"*Very Revd. & Dear Sir,* Being delegated by the Catholics of Charleston, State of South Carolina, to present their humble petition to H. Holiness; as also to inquire into the fate of their former Petition of last year, bearing date 13th May 1818, which was addressed to your late, and ever to be lamented brother, Revd. Dr. James McCormick, requesting him to present said Petition to the H. Father and act as their agent at the H. See; but the melancholy event of his death had taken place before those papers could have reached Rome. I therefore request you will have the goodness to inform me if the above mentioned papers ever came into your hands, and what has been their fate. The worthy Father Guardian of St. Isidore's has made every enquiry of the Students, and closely examined all the remaining papers that belonged to your late dearly beloved brother, in order to discover some vestiges of those papers, but all enquiry & research have proved vague and fruitless. I beg leave to mention that my Appeal, together with the necessary documents, were transmitted at the same time with the people's Petition, to my late dearly deceased friend. All the information you may possess relative to those papers, I earnestly request you, Venble & Revd Sir, to communicate, as soon as you possibly can, it being of great interest at the present stage of affairs. I am but a few days arrived in Rome. We had a very uncertain account in America of my friend's death. Imagine what were my feelings on my arrival here, when I found neither friend nor protector ever more to embrace! It is our duty humbly to submit to the unerring decrees of Providence! I must not proceed! With sentiments of high consideration and esteem, I am, Very Revd & Dr Sir,

"*Yr Most Obdt. Servt.* R. Browne, *St. Augustine's, Rome.*"

[32]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 4, fol. 270.

ed throughout the Diocess at large! *I begin to strongly suspect that there exists a deep-laid, extensive and undermining plan in which Browne and Carbry act as principals, O'Driscoll, Fernandez and others as seconds, who have for their object the dismembering of the Diocess and to promote the success of which Browne has gone to Rome.* Should he succeed I would not give one pinch of snuff for the respectability of the Catholic Religion in these Southern States and I shall never cease to deprecate it as a measure destructive of all its interests and prospects. Thank God, all is peace and quiet here and I hope we shall continue so. I have no fear of the workings of either the abettors of Browne or Carbry so long as the Pope has not supported them with his authority.[33]

[33]BCA, Case 16-N13.

CHAPTER IX

The "Independent Catholick Church of the United States"

(1819)

It would be a cause for regret if the "deep-laid, extensive, and undermining plan," the details of which seem to have been known by Maréchal and Fenwick in the autumn of 1819, should seem to cast blame upon Father Richard Hayes, the Franciscan. His was a short public life—scarcely a decade of years; and yet no ecclesiastic of his day occupied so striking a place in the history of Vetoism. The accidental manner in which the Charleston rebels appealed to him to lead them into definite schism has not marred in the slightest way the noble page he has written into the ecclesiastical annals of Ireland.

It has been stated in a previous chapter that, when the Aggregate Meeting of Dublin (August, 1815) assembled to debate the "detestable rescript" of Quarantotti, Father Hayes was chosen as one of a committee of three to go to Rome for the purpose of presenting in person the Resolutions of the Meeting to Pius VII. Among these Resolutions was the following:

> *Resolved*, That the Catholics of Ireland having, on their solemn oath, declared that the Pope has not, and ought not to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm; we cannot, without exposing ourselves and our religion to just derision and reproach, and also without incurring the dreadful guilt of perjury, consent to any arrangement by which the British Minister may derive from the Court of Rome any jurisdiction or power over the transactions in civil life and conduct in temporal affairs of the Roman Catholic Clergy of Ireland, and that our resistance to any such arrangement, instead of operating in our disfavour in the mind of any just and rational statesman, ought on the contrary to convince him, that we deserve liberty, as well because such conduct furnishes one more powerful instance of our conscientious adherence to the obligation of an oath, as because it proves that we practically distinguish the spiritual authority of his Holiness the Pope, which

> we always fully recognize, from any civil or temporal power or authority in him or derived from him, which we disclaim, and would, if necessary, resist at the peril of our lives.

Through the agency of Cardinal Litta, Prefect of Propaganda Fide, and the General of the Franciscans, Father Hayes was admitted to his first audience with the Holy Father on November 9, 1815. "His Holiness was pleased to assure him, that the question, important as it was, should be referred for discussion to a congregation of cardinals, that the Prefect of Propaganda should be consulted, and that his own peculiar care and inspection should not be wanting."[1] This was equivalent to placing the Veto Resolutions of 1815 in the immediate jurisdiction of the one ecclesiastic in Rome feared by the Irish: Consalvi. There was also in Rome at this time a strong party of English and Irish residents and pilgrims in favor of the Veto, and Father Hayes feared their influence on the Papal Curia. Consalvi procrastinated the discussion as long as possible, and when the whole case was transmitted to the Tribunal for Ecclesiastical Affairs, the delegates from Ireland found themselves deprived of the services of their best friend, Cardinal Litta, who had been sent to Milan on a diplomatic affair. When it began to appear that further delay was unavoidable, Father Hayes obtained another audience with Pius VII (December 22, 1815); but in spite of the Holy Father's evident wish to have the matter taken up for discussion, three more months elapsed and the Irish delegates were obliged to rest satisfied with Consalvi's promise of "immediate attention."

In January, 1816, the two Irish prelates (Archbishop Murray of Dublin and Bishop Murphy of Cork) grew weary and returned to Dublin. The day following their departure, Father Hayes obtained a third audience with Pius VII, and from that time until his expulsion from Rome the young Franciscan single-handed fought Ireland's battle for ecclesiastical freedom. He was, it is true, ably seconded by the Irish bishops at home. One letter from Dr. Coppinger, Bishop of Cloyne, which reached the Holy See, "served to give a fatal blow to the already detested spirit of vetoism". Brenan gives a passage from Archbishop Murray's sermon in Dublin on Good Friday (1816) in which that prelate says:

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[1]Brenan, *An Ecclesiastical History of Ireland*, p. 610. Dublin, 1864.

> What virtuous Catholic would consent to purchase the chance of temporal advantages at the price of such a real spiritual calamity? Oh! if the stroke must come, let it come from those who have so long sought the extinction of our religion, but in the name of God, let no Catholic press forward to share in the inglorious work. Let no one among us be found to say of his Church, as the treacherous disciple said of its divine Founder: *What will you give me, and I will deliver him (it) unto you?*[2]

Collections were taken up in various parts of Ireland to meet Father Hayes' expenses in Rome—one collection of twenty-six pounds reaching him from Father John England's parish in Bandon. The Irish Church was aroused as never before to protect what it believed to be its integrity. The Irish Catholic press, encouraged by sermons such as that of Archbishop Murray, vented its anger on Consalvi as the cause of the deliberate procrastination. "This perfidious minister is the mere agent of the British government"—we read in the Dublin *Daily Chronicle*, of August 12, 1816.[3] The Irish Church wanted the "Genoese Letter" of April 26, 1815, sanctioning the Veto, rescinded by the Holy See, and apparently the torrent of opposition the letter aroused was directed towards that end. It is not surprising, therefore, to find Father Hayes repeating the spirit and in some cases the language of this opposition. That he was convinced that Consalvi was acting in a false manner towards the Irish bishops, his correspondence now at Merchant's Quay proves beyond doubt. As "Envoy from the Roman Catholic people of Ireland to his Holiness the Pope"—a title given to him by Bishop Coppinger—Father Hayes believed he had the authority to complain publicly over the wearisome delay. This he did in an open letter to the Catholic Board of Dublin on February 1, 1817, and when printed copies of his letter reached Rome from Ireland, "the sensation it produced cannot be described."[4]

His banishment from Rome was insisted upon by Consalvi, and on May 28, 1817, papal gendarmes entered the College of Saint Isidore and a guard was placed outside his room where he lay ill with fever. Eight weeks later (July 16, 1817), he was led beyond

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[2] *Ibid.*, p. 614.
[3] Ward, *Eve of Catholic Emancipation*, vol. II, p. 151.
[4] Brenan, *op. cit.*, p. 616.

the borders of the Roman States, and proceeding leisurely on his way, reached Dublin on September 24, 1817.

Sometime after his return from Rome, Father Hayes published an *Antivetoistical Catechism*, the original of which is in the Franciscan Archives at Merchant's Quay. The *Catechism* has nine pages folio and is too long to quote in full. No clearer exposition of the Irish politico-ecclesiastical situation of that day has been written; and with the *Catechism* as a guide, the student who wishes to follow with accuracy the confusing trend of events in Ireland between 1811 and 1820, will be enabled to do so from its pages. The following questions and answers will make this clear:

Question—What is the Veto?

Answer—In its strict sense, it means a power, by which Government can prevent the Nomination to a Bishoprick of any person it thinks fit to reject. In a general sense, it is now taken for any the least interference of Government in the Appointment of Bishops. If the rejection be confined to a certain number, it is called a *limited* Veto; otherwise, *unlimited*. If Government appoints the person *immediately*, that is called the *Direct Nomination*. The Revision of Rescripts, or *Regium Exequatur* amounts to an *unlimited* Veto, not previous but subsequent to the final Appointment or Confirmation by His Holiness, and prevents or permits, at the will of Government the execution of the Bulls he issues for the consecration of every new Bishop. If extended to Rescripts in general, the *Regium Exequatur* has a similar effect on the Suspensions, Decisions, Approbations, Dispensations, Instructions, Orders, Letters and all other Acts of Ecclesiastical Jurisdiction in the Pope, whether they regard the Catholics at large or the private conduct and conscience of individuals, clerical or laical.

Question—Why do the Irish Catholics oppose the granting to Government of *any* kind of Veto or interference above mentioned?

Answer—For two reasons, First, as *Catholics*, they cannot allow a Government in itself and in its Favorites and Agents, *inimical* or at least *indifferent* to and *unacquainted* with the Catholic Religion, to exercise a power of appointing unworthy, or of excluding worthy candidates, just when it choses to call the former *loyal* or the latter *disloyal; id est*, in Ministerial parlance when *those* support or *these* oppose the measures or vices anticatholic or unconstitutional of the Minister of the day. Could the Catholics be certain that Government by the Veto sought *candidly* to ascertain the Loyalty of Candidates, they

could have no objection to its interference, but as there is no tribunal to decide what might be the *real* motive, on which a candidate might be excluded, the sure and only road to escape would be the favor of the Minister. And who would become the Minister's favorite? The immoral,the venal, the courtier clergyman, the pot-companion of the leading Ministerialist of the country, the flatterer of his vices and scandals, the electioneerer for the Government party, the *Nominal* Catholic, the half-Protestant, the Indifferentist, the Deist, the Atheist, in a word the sacrilegious hypocrite, who *wears* but the name of Priest and sells his soul to ambition, or the ignorant dolt, the weak dupe, the mere automaton—such a one would obtain the Minister's favor, because pliable to all his views, whilst the humble, pious, diligent, learned and prudent incumbent, who heedless of court-intrigue, gives his whole life to the spiritual welfare of his flock, or from principle makes interest for the virtuous, patriotic candidates of his country, would be sure to be excluded from the Mitre by the Minister. Thus the Veto or an other interference would corrupt the political and religious morals of the Clergy, and *that* to the *full extent* of the control, great or small, obtained by Government. This would be the first grand evil to the Catholic Religion, *the corruption of the Clergy*. From this would necessarily follow another still greater, *viz. The loss of the people's spiritual confidence*. For Bishops so made would accommodate to the views of the Minister and his underlings their instruction in the Pulpit and the Confessional, their advice public and private, their absolutions, their administration of the Sacraments, their Ordination of Priests, their Collation of Parishes, their Suspensions, Interdicts, and Excommunications. Nay, should they, in the exercise of their jurisdiction, despise the order of their Ministerial Patrons, or should these leave them at full liberty therein, the People and Clergy would still look upon them as acting under this corrupt influence, and the result would be the same. The Altars, Pulpits and Confessionals would be deserted, the degraded Ministerial Bishops and their clergy (if any adhered to them) would be left to starve, unless, to make bad worse, Government were to pension them. Ordinations would cease, for no Catholic would debase his Son into the despised, discarded body, hurrying head-long to dissolution; irreligion, rebellion, sectarianism and emigration would follow, and the Catholic Religion disappear from Ireland. The clear foresight and dread of such desolation is the grand and principal motive, that unites the Bishops, Clergy and People in that obstinate opposition, which the Legislature, were it to pass a hundred laws, would never

be able to break down, for these laws would be met as so many persecuting statutes, and therefore clearly could never attain their object, *viz.* the acquiescence of the Catholics.

The second motive is political: the Catholics, as British subjects cannot allow the Crown to obtain that immense increase of unconstitutional influence commensurate to the control Ministers would obtain on one hand, and to the Spiritual Authority (the *most powerful* of all) which the Bishops and Clergy (*were it possible* for them and the Nation to acquiesce, and prescinding from the consequences above mentioned, which however are infallible) would continue to exercise on the other.

Question—Be it so. But the See of Rome exercises a *foreign* influence, which Government of course should control?

Answer—1st. This *foreign* influence is purely *spiritual.* The Court of Rome has *long since* renounced *forma et re all temporal pretensions,* nay the Holy See commands the Bishops never even to mention in their Letters an atom of political news.

2. The Bishops, Clergy and Catholics of Ireland abjure *upon Oath* all temporal obedience to the Head of the Church.

3. The Popes, were they willing, can exercise no political influence but through the Bishops. Now these have been always loyal, and (as above), must continue still, if possible, more so after Emancipation.

4. The Holy See knows, in general, not one of the Bishops she appoints, but acts upon the recommendations she receives from the Bishops and Clergy of Ireland, the *sworn loyal subjects of His Majesty.* So that her influence, if it can be called so, is but *a mere spiritual formality.* In the whole course of a Century, she has, it is true, appointed a few English Subjects, residing at the time of their institution on the Continent, such as Dr. Troy of Dublin, Dr. Bellew of Killala, etc., but has one of these been less loyal or less punctual in abjuring the Pope's temporal Authority, than their Confreres? No, nothing can be more ridiculous than this alleged fear of foreign influence, and those, who make such a noise about it in both Houses are either visionaries, that will turn pale at the sound of four Letters POPE, the raw head and bloody bones of the 17th Century, the Dragon with 7 heads and 10 tails, or are persons, inimical to Emancipation, yet ashamed or afraid to speak their minds, and therefore whilst they apparently advocate the grand question, tack it to a condition, which they know the Catholics will never accede to, and thus paralyze the efforts of the honest Protestant friends of the measure, by making even those, who are free from all *religious* prejudice, imagine that *unqualified* Emancipation cannot be granted with *political* safety;

or, finally these ranters about *foreign* influence are men anxious totally to upset the balance of the Constitution by the enormous weight of influence the Veto, if acquiesced in, would give to the Crown; a weight that would press down Ireland into a lower, *even civil*, slavery, than she is in at present, and endanger what remains of British Liberty in England too. Nay, there seems to be but little doubt that the *Keener* ones of the Parliamentary Vetoists contemplate in the obnoxious measure the division, the persecution and subsequent destruction (as above), of the Catholic Church in Ireland. Sir I. Cox Hippisley has not scrupled to assert, that the Veto (and, I suppose too, his newly discovered securities of Direct Nomination *Regium Exequatur*, and Appeal in Ecclesiastical Affairs to the Civil Tribunal) shall be forced on the Irish by *fire and sword.*

This bug bear of *foreign* influence seems to be the only pretense now held out for the Veto, and a most ridiculous one you see it is. Still we are triumphantly asked by Lord Castlereagh:

Question—Are not you, Catholics, the only body of Christians in the Empire, that acknowledge a *foreign* jurisdiction?

Answer—No; the Moravians, Quakers, Swedenborgians, etc., etc. have *foreign* connexions, and in many points are under *foreign* controul and jurisdiction of their fellow-Sectaries in other countries, that are often in war too with England, whereas the Popes for ages have not been at war, nor is it probable they ever will. Why then enslave by the Veto the Catholics *only*.

Question—Were the Pope to command the admission of the Veto, would the Bishops and Catholics of Ireland obey his mandate?

Answer—No. The Pope, by the Canons of the Church neither can nor wishes to enforce even ecclesiastical obedience to any of his orders, the execution of which should injure Religion, besides, as the Veto, by increasing the Crown-influence, would be a *political* evil, the Catholic Prelates, Priests and People, not acknowledging, nay abjuring on Oath all temporal power in His Holiness, would be bound, in quality of British Subjects, to oppose such an order, if it should ever be issued.

Principles such as these could not be denied, even by those who were willing to compromise with the Government as a price for Emancipation. Hayes's influence was well recognized by the Vetoists both in England and Ireland, and in the Hayes MSS. there is sufficient evidence to show that the fear of his power over the Irish people was responsible for the charges of gross immorality in Rome

brought against Father Hayes by certain members of the English Parliament. Collections were taken up in various parts of Ireland for the Franciscan's defense. Father Hayes was not an adept in the game of indirect politics which his chief opponent in Rome, Consalvi, had seen at close range during the Congress of Vienna. The tangled skein of politics meant nothing to Father Hayes; and in like manner, he saw no necessity of consulting foreign Catholic universities to decide upon the ecclesiastical problems of Church and State, which time, as he believed, had already settled. In spite of the Quarantotti Rescript, the "Genoese Letter" and the letters of Pius VII, Hayes stood far out in the front rank of those who meant to fight all compromise with the British Government to the bitter end. His *Catechism* and his stand on the Veto were now too prominent for him to hide away, as no doubt he wished, in his Convent in Wexford. Even before his return, the Catholic Board of Ireland was so incensed at the treatment accorded him in Rome, that on July 19, 1817, a second Remonstrance was drawn up and sent to Pius VII.

On February 1, 1818, Pius VII replied to the Laymen's remonstrance; in his letter he took occasion to justify the action taken in Rome against the Irish Franciscan. The passage was considered sufficiently important by Archbishop Maréchal to be included in the Appendix of his *Pastoral Letter to the Roman Catholicks of Norfolk, Virginia* (September 28, 1819):

> Now to proceed to what relates to Richard Hayes, of the order of the Friars Minor of St. Francis, you have complained that we have expelled him from our territory, though, as you write, he had given us no cause of complaint. . . . You even seem to think, that we were driven into that measure perhaps by foreign influence, lest the statements which he had to make in your name should obtain easy access to our ear. When you wrote this you were little acquainted, as it seems to us, with that man's mode of conducting himself; for, having abused that hospitality which he enjoyed in the city, he furnished us with many and weighty causes of grief and vexation, as well as his deportment altogether unbecoming a man professing a religious institute, and by incessant aspersions on our government, as by writings disseminated in every direction, overflowing with calumny and rancour, no less injurious to us and to this holy see, than to his own government, of which he boasted

everywhere and publicly that he was the author, until at length he proceeded to such a degree of arrogance and audacity, that he did not blush to offend ourselves by injurious expressions; so that we could no longer suppress our sentiments, without the abandonment of our personal dignity. Wherefore, though we could have proceeded with dignity against him, nevertheless, acting towards him with lenity, the causes of complaint which we had, having been declared by our orders, some without any difficulty, he did not blush to acknowledge, and others, indeed, he could not deny, we caused it to be notified to him, that he should, of his own accord, depart from the city; which intimation of ours, when he altogether and obstinately refused to obey, we ordered at length that he should be removed, even by force, beyond the limits of our territory. Wherefore, as we were induced to act towards him in this manner, by motives quite different from those which you imagined, and these of weighty moment, you have no reason to complain, as if by this act we had inflicted an injury on the affairs of the Catholicks, which are dear to us, for most essential reasons. In the mean time, that same man, of whom we speak, since his return to his own country, has not changed his line of conduct; for, in the public journals of the 17th day of last December, printed in Dublin, we have seen a report delivered by him to you, of his proceedings in this city; like his former writings, it is full of falsehood and calumnies, to which report, therefore, we most unreservedly declare to you, that no credit should be attached.

The Holy Father's letter was read before "a very numerous Meeting of the General Board of the Catholics of Ireland," officially summoned by Edward Hay, the Secretary, for that purpose on Monday, June 1, 1818. Father Hayes came to Dublin for the meeting and asked permission to preface the discussion with the following whole-hearted submission to the Holy See:

Mr. Chairman and Gentlemen: Before any discussion arise upon the Document which has been just read, I beg for a moment the favour of your attention. I have always made it a rule to sacrifice my private feelings and advantage to the public weal. Hence, acting at Rome in my official capacity, faithful to my trust, no blandishment, no terror, could warp me from what I conceived to be my duty. Addressing the mild and venerable Father of the Faithful, or surprised in my bed of sickness by an armed force, I endeavored, according to the best of my judgment, to exhibit in my conduct the feelings and principles of my Constituents.

But my Delegated Character has long since expired; I have now no public duty to perform; no public principle is involved in my conduct; I stand before this Meeting a private individual; therefore, my every duty, of *public*, becomes *personal*.

If the Document now read censures my conduct whilst at Rome, I stop not to inquire whether it be authentic or not; whether its charges be vague or specific, whether proved or otherwise. I stop not to investigate how the name of His Holiness came to be attached to it; whether it be the result of legal, or canonical discussion; or whether those who deprived me of my liberty have succeeded in depriving me of my character in the eyes of the Sovereign Pontiff. I stop not to ask why the Document did not precede my arrest; why it has been issued a twelvemonth later; in a word, why the indictment should follow the punishment—*enough for me if the Holy Father has been pleased to censure my conduct.*

By Faith a Catholic, by Ordination a Priest, by Obedience a Child of the Holy See, I bow, with unhesitating submission, respect and veneration to the Centre of Catholicism, the Source of Ecclesiastical Subordination, the Vice-gerent of Jesus Christ. I solemnly declare, that I should choose death, rather than allow any private or personal feeling, or consideration to betray me into the slightest contest with, or, disrespect towards the Authority or Dignity of the Head of the Catholic Church, Pope Pius the Seventh.

My tongue shall never utter a syllable of complaint, nor my pen trace a line of vindication; for, lest scandal should arise, in the words of the prophet, I exclaim, "Take me up, and cast me into the sea."

From this moment, therefore, I publicly announce myself unconnected with any proceeding to which this Document may give rise; and this, my Declaration, I shall, without delay, transmit to Rome; prostrating myself at the feet of the Holy Father, expressing my poignant regret that my conduct in any respect should have given him offense, humbly imploring his forgiveness, and assuring him of my obedience and readiness to comply with any further form of satisfaction which, in his paternal wisdom and goodness He may vouchsafe to command.[5]

"From this period," writes Brenan, "the labours of this unwearied and highly-gifted man were exclusively devoted to the duties of his ministry. An instance of the attachment to the religion of his forefathers is to be found in the promptitude and firmness with which

[5] *Ibid.*, pp. 618-619. (Original in Franciscan Archives, Merchant's Quay, Dublin).

he spurned an invitation which he soon after received from a numerous and powerful schismatical congregation, formed about that time in South Carolina."[6]

This invitation recommended Father Hayes to look with eyes of pity upon the Irish Catholics of South Carolina, tyrannized over by the French Archbishop of Baltimore, and to proceed to Utrecht, there to receive Episcopal consecration as the first Bishop of an "Independent Catholick Church in the United States."

It is evident from Maréchal's *Pastoral* that he believed the proposal had come originally from Father Carbry, then in New York, who was acting *a longe* as the head of the Norfolk schismatics.

> It is manifest [writes Maréchal], that Thomas Carbry mistaking Rev. Mr. Hayes for an abandoned character, inimical to the Holy See, believed he would cheerfully accept the criminal proposals made to him. But fortunately he was disappointed. The Catholicks of the United States have just reason to congratulate the Rev. Mr. Hayes for having repelled with indignation the insulting offers of Thomas Carbry, and immediately denounced him to the Holy See; and we sincerely wish his meritorious conduct in this circumstance, may expiate in the eyes of the Holy Father, the irregularities of which His Holiness complains in the brief above mentioned.

Shea considers the Utrecht plan as the work of the Norfolk schismatics. The confusion arises perhaps from the fact that side by side with the Charleston Schism the spirit of rebellion had created a situation almost identical in Norfolk. The occasion for the schismatic movements in Norfolk and Charleston was the same—the appointment of a French priest as pastor of the parish there; the cause was the same, namely, the essential point at issue between episcopal authority and trusteeism—the right of patronage; the final step taken by the two groups was the same, namely, the appeal to Rome for the creation of a diocese separate from Baltimore. There was a difference, however. Maréchal recommended the creation of the Diocese of the Carolinas and Georgia, but objected to the erection of the Diocese of Virginia (Richmond). Both schismatic groups had sent delegates to Rome to plead for the dismem-

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[6] *Ibid.*, p. 619. A biographical sketch preserved in the Archiepiscopal Archives of Dublin reveals the character of the Franciscan in a much less favorable light.

berment of the Archdiocese of Baltimore. The Norfolk group was directed by a rabid anti-French but thoroughly Gallican layman, Dr. Fernandez; the Charleston schismatics were at the mercy of the misguided priests, Gallagher and Browne. Confusion arose from the fact that those who pleaded for the Diocese of Virginia had asked for Father Thomas Carbry, O. P., as their Bishop, and the Dominican was also being considered by the Charlestonians as their available leader against the Archbishop of Baltimore.

This latter fact is not given, however, as an explanation for the action of the Charleston schismatics in sending their notorious letter to Father Hayes through Father Carbry. The letter itself is dated South Carolina, January 4, 1819. It reached Father Carbry written on four sheets of paper, and as it would be too voluminous in that state he thought it best to copy it on one sheet, and forward it as directed. The letter,[7] which left New York on February 17, 1819, was as follows:

> *South Carolina, January 4, 1819: New York, February 17, 1819.* I perceive by the public newspapers of your country that you have been persecuted not less wantonly than cruelly by the Court of Rome, and shamefully abandoned by those who appointed you their agent. Although the tyrannical hand of power might oppress you and the ingratitude of your constituents might add a keener pang to the bitterness of your sufferings, yet I hope that neither could impair the sterling temper, nor sully the pure lustre of your honour. Under this conviction I shall hazard to submit to your consideration a plan, which will enoble your misfortunes, and cover your enemies with humiliation and disgrace, trusting that your mind is too exalted to stoop to the pitiful alternative of courting the favour of your persecutors by treating confidence with perfidy, in divulging indiscreetly a proposal which might prematurely alarm the prejudices of the public against persons unknown to you, whose wish it is to raise you above unmerited humiliation, to support the cause of suffering religion, and likewise to overturn a system of ecclesiastical tyrrany, which a cabal of unprincipled French churchmen are endeavouring to establish in this country, not less derogatory to individual rights than opposed to the laws and constitution of the United States. In the accomplishment of such views you well know the cordial coöperation of the

[7] Propaganda Archives, *Scritture riferite, America Centrale,* vol. 4, no. 82. The Norfolk aspect of the Utrecht conspiracy has been treated in my *Church in Virginia (1815-1822).* New York, 1924.

Court of Rome will not be wanting, provided in the end it may be allowed to grasp the reins of triumphant despotism, and dictate its mandates, as divine oracles, to those instruments, that in the beginning were ancillary to its usurpation. After this preface it is needless to remind you how necessary discretion and secrecy are, to enter the lists against a court so long immersed in all the arts of intrigue, and powerful and formidable from the assistance of opinions so sanctified by time and so canonized by ignorance and prejudice, that I even fear the proposal will shake the firmness of your own nerves perhaps more than the persecution you have suffered. Under this apprehension I shall however submit it to your consideration, trusting that the observations I shall add will have their due might with you who, I hope, ere this have learned to throw aside the trammels of schoolmen, and the sophistry of hired partizans, and to allow reason and truth, and not antiquated prejudices raised on the forgeries of the dark ages, to be your guide.

Here it is then: *On receipt of this letter to proceed to Utrecht in the most secret manner, carrying testimonials of good conduct from some of the clergy, and to have yourself consecrated Bishop of South Carolina in North America, by the Prelate of that city or church, and to set out for that state as soon as possible.* On your arrival in America your expenses shall be made good to you, but you must agree to consecrate other Bishops, when settled in this country, otherwise any salary may be doubtful. At the first blush, this proposal may appear singular and even extravagant, but on maturely consulting religion and reason, it may not appear altogether strange or novel in the christian church.

Then follows a long argument in favor of autonomy in America in the selection of bishops. The writer begins with the Apostles, and comes down to his own time. The Primacy, he states, is of human origin, based upon political intrigues. The Church in the United States is only twenty years old, he says, and therefore bears comparison with the Church of the early Christians. Canon Law is impracticable in this country; since it is in oppositon to the civil law in many instances. The French prelates who rule the Church here wish to create the ancient tyranny they enjoyed under the Bourbons. To frustrate this evil the Americans are determined to exercise the *jus patronatus*, especially in the selection or dismissal of their pastors; and the same law of popular election to Episcopal Sees will be demanded for the American Church as existed in the earliest days under the Apostles.

A long discussion on the situation of the Church in Ireland is then given in order to prove its independence of the Holy See. The same independence is needed here, if the Church is to succeed. "Today all the bishops of the United States," the document runs, "are Frenchmen, with the exception of the Bishop of New York, and they refuse to send to the people any priest, who is not submissive to the discipline of their Gallican Church." French priests become the object of ridicule to other religious bodies here, to the great sorrow of the Irish Catholics who not only make up the larger part of the congregation, but who contribute almost all the support the Church receives here for its maintenance. In such a state of affairs, many Catholics have become disgusted and have gone over to Protestant sects, or have given up their religious practices altogether. To remedy this evil, delegates were sent to the Court of Rome, but the influence of the French and English ambassadors prevailed and nothing but promises could be obtained—"*fuorchè speciose promesse e civili procrastinazioni, non si è potuto ottenere.*"

The Charleston Catholics, weary with their endeavors to obtain justice from Rome, had decided at last to make an appeal either to the Greek Orthodox Church or to the Jansenist Archbishop of Utrecht to send to them a bishop with power to consecrate other bishops in whatever city the American Catholics find themselves tyrannized over by the "French Ecclesiastical Junta" which was in control. "In reality", the document continues, "the question is very simple: is it better to break some of the laws made by men and so to sustain the usurped power of some Scribes of the Roman Court or let the situation go from bad to worse and allow the Catholic Faith to disappear in this country?"

Another historical digression follows, on the papal usurpations of power, and examples are given from recent Church history to show how clearly the Court of Rome has always strengthened its own power by playing one side against the other.

The writer of the letter hopes that these observations will appeal to the strong and clear mind of Father Hayes, and that he will not refuse to assist the Charleston Catholics in their dire extremity. "You are invited and solicited by the sighs, and implored by the tears, of the mournful Spouse of a Merciful Redeemer!" Father Hayes is asked to proceed in all haste, to select five or six young

men, "sober, pious, of moral character, who have completed their studies for the Priesthood in the Colleges of Ireland," and who would be of assistance to him, as Bishop, in founding an Independent Catholic Church in this country. No Irish priest of the day had won their sympathy so completely as Father Hayes, because of Rome's unjust treatment of him. Finally, Father Hayes was directed to send his answer to Father Thomas Carbry, at New York. Unfortunately the English and Italian copies of this letter do not bear the signature of the sender or senders. It is probable that Carbry suppressed them in his transcription.

When this letter reached Father Hayes, at the Franciscan Convent, Dublin, in April, 1819, his first act was to denounce "the whole of the daring attempt at schism" to Archbishop Troy. On April 12, 1819, Archbiship Troy gave him the following attestation:

> I hereby certify that the Rev. Richard Hayes, O. F. M., has handed me authentic copies of an anonymous letter from South Carolina to Rev. Thomas Carbery of New York, dated January 4, 1819, and of another letter from said Carbery to said Hayes. The writer of this former letter calumniating *more Jansenistico* the Popes and the Curia, and condemning in many points the actual discipline of the Church, introduced he says by their Usurpation and Tyranny, recommends to Rev. Mr. Hayes to proceed to Utrecht to be consecrated Bishop of South Carolina, in order to introduce and establish the doctrine and discipline of the Utrecht Conventicle into North America. Rev. Mr. Carbery's letter to Rev. Father Hayes, to which the anonymous writer's letter is annexed, is dated New York, February 17, 1819, and states that he sends it to him at the request of his correspondent in South Carolina. Rev. Mr. Hayes conceived it his duty to hand both letters to me and at the same time to press his condemnation and detestation of the Schismatical Doctrines contained in the letter of the anonymous correspondent, who, however, is not unknown to Mr. Carbery.
> *Witness my hand, Dublin, 12 April, 1819.*
>
> ✠J. J. Troy,
> *Rom. Cath. Archbp. of Dublin.*[8]

Acting upon the advice of the archbishop, Father Hayes wrote in Italian two days later to Pius VII and to Cardinal Litta, disavowing all knowledge of the conspiracy.[9]

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[8]Franciscan Archives, Merchant's Quay, Dublin.
[9]Italian transcript in Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 4, No. 82.

Pius VII was prompt in taking cognizance of Father Hayes' public submission of June 1, 1818. There is a letter in the Hayes MSS. from Wexford, dated October 7, 1818, to a friend in Rome, asking whether the Holy See had acted upon his letter seeking pardon, and some time after this date, Father Hayes received Cardinal Litta's letter of September 12, 1818, announcing the Holy Father's satisfaction at his genuine regret for the unfortunate episode in Rome.

It is probably for this reason that Father Hayes wrote also to Cardinal Litta, on April 14, 1819, regarding the Charleston proposal.

> As yet [Hayes writes], I have not acknowledged the receipt of Your Eminence's kind letter of September 12, of last year, in which you give me the very pleasant news of my return into the friendship of the Holy Father. In this letter Your Eminence, on the part of His Holiness, admonishes me to show at all times the sincerity of my sentiments towards the Holy See. I did not think that I should have so quickly an occasion to give an evident proof of the same. I am sending to Your Eminence a copy of a letter sent to me from America, in which you will see with much sorrow the conspiracy which has been made for the destruction of the Catholic religion in the United States. This letter is accompanied with an Italian translation, together with the certificate of its receipt and my disavowal to Archbishop Troy of the business. All these documents are likewise being sent to Cardinal Fontana, Prefect of Propaganda. I believed, however, that the personal respect I have for Your Eminence obliges me to send them also to you, in order that you may be persuaded that the kindness you have shown me has not failed to produce the desired effect. I enclose also a copy of my letter to the Holy Father. It will be a great consolation to me to know that my conduct in this affair has the approval of His Holiness and of Your Eminence.[10]

In reply to the letter sent to Propaganda Fide, Cardinal Fontana wrote to Father Hayes on August 26, 1819, as follows:

> I have presented to his holiness your letter of the 14th April, of this year (1819), by which you denounce to the holy father a conspiracy formed in North America, for the purpose of having bishops independently of the Holy See, and in which you also state that you yourself had been invited to obtain consecration from the bishop of Utrecht, and thence to proceed to the United States for the purpose of consecrating

[10] *Ibid.*, · ·. 4, no. 81.

other bishops in that district. His holiness *has been highly pleased with your conduct* in this emergency. As much as the reprobate attempt, which appears in the letter addressed to you by some misguided Catholics of the United States of America, is highly to be deplored, in the same degree is the proceeding of your reverence on this occasion to be commended in bringing immediately to the knowledge of his holiness so detestable an attempt, which, however, we hope in the divine mercy will disappear without leaving a trace behind. I congratulate you on having in this contingency manifested, by so dutiful an act, those sentiments of attachment to the Catholic religion—of fidelity, respect, and submission, which you had previously expressed; and while I pray the Lord to grant you every happiness, I at the same time recommend myself to your prayers.

F. Card. Fontana, *Prefect.*
C. M. Pedicini, *Secretary.*[11]

The problems that arise around the sincerity of the Utrecht Plan are apparently beyond solution until further documentary evidence comes to light. Propaganda naturally wished to know who was the author of the Charleston proposal. For this reason, the letter or transcription of the original made by Carbry together with Hayes's translation were sent to Father Faraldi, O. P., with instructions to compare the two for the accuracy of the Italian version, and then to ascertain, if possible, the authorship of the letter from South Carolina. Father Faraldi wrote to Cardinal Fontana on May 23, 1819, vouching for the translation, and expressing his great surprise that Father Carbry should have become a *particeps criminis* in so unholy an undertaking. In Dublin, Father Carbry had always enjoyed a splendid reputation. He had moreover translated and published there the celebrated work *Dei Fondamenti della Religione e dei Fonti della Empietà* by Valsecchi. Faraldi suspected Dr. Gallagher, since the language of the letter was more lofty and energetic (*elegante e vibrato*) than Carbry's style—"God grant that Gallagher has had no part in it!" And yet, he adds, the laymen of Charleston could not have had such knowledge of Church history as is evidenced in the letter, and Dr. Gallagher was undoubtedly a learned ecclesiastic. Faraldi then proffers the advice that an English Bishop

[11]Cited by Brenan, *op. cit.*, p. 620. (Original in Franciscan Archives, Merchant's Quay, Dublin).

would be as bad for Charleston as a French one. It were best to send an Irish prelate there; and he suggests several candidates: Dr. Murphy, President of Maynooth; Nicholas Foran, professor of theology in the same College; Father Rice, O. S. A.; Father O'Meara, O. F. M.; and Father Harrington, O. P. Faraldi, an official of Propaganda, urged quick action on the part of the Sacred Congregation, lest the schismatics of Charleston send either Carbry or Gallagher to Utrecht.[12]

That Father Carbry disavows all interest in the Utrecht Plan does not, of course, absolve him from complicity in forwarding the Charleston proposal. He says to Hayes in the postscript to his transcription:

> You have here the whole subject before you open for your judgment. Whatever your decision may be, if sent to me it shall be faithfully transmitted to its destination. This is all the concern I have in this business. Were I selfish, I ought not to forward this communication to you, being myself postulated at Rome, as Bishop of Charleston, by the Catholics of that city; but selfishness has no place in my heart, and although I have no personal knowledge of these gentlemen whose wishes I forward to you, yet I cheerfully comply with their request, declaring it as my opinion that I believe them to be willing and able to fulfill their engagements. As I act both a candid and confidential part on this affair, I think I have a just claim for confidence and honour from you.[13]

Father Carbry's later actions increase the suspicion either that he was not acting in good faith or that he was being unconsciously misled. When Maréchal attempted to solve the Norfolk difficulty by sending a young Irish clergyman, Father Nicholas Kearney, to the city in May, 1819, as soon as the news reached Carbry in New York, the Dominican set out for Norfolk to lead the malcontents against the archbishop's authority. He arrived there early in June, 1819, and it would appear that his sudden departure from New York was part of a prearranged plan to bring the Norfolk Schism to its logical conclusion.

Maréchal found himself in a whirlpool of intrigue. He was never certain of Propaganda and less certain of the knowledge and capacity

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[12]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 4, ff. 258-261.
[13]*Ibid.*

of its new prefect, Cardinal Fontana. Carbry's intrusion into the Baltimore Diocese created a distasteful situation; for, with the Dominican at their head, the Norfolk schismatics might easily frighten Propaganda into erecting the See of Virginia. And it did not add to Maréchal's ease of mind, opposed as he was at all times to the separation of Virginia from Baltimore, to be told by one of his correspondents in Rome that Fontana had not decided whether it would be advisable to place the residence of the Bishop of Virginia in Washington, D. C., or at Hartford, Connecticut! By this time also Father Robert Browne had reached Bordeaux, on his way to Rome, to plead for a See at Charleston. There was talk also in the principal cities of a "General Convention of the Irish Catholics of the United States" to devise a remedy for their emancipation from the "French Jesuitical faction"; and *la canaille irlandaise*, as Bishop Plessis of Quebec once called them, was undoubtedly on the high road to secession.

The question how far we are to accept the Utrecht Plan as genuine remains unsolved. Maréchal certainly believed the Irish malcontents were serious in their project. In his *Pastoral Letter*, after explaining the rise of the Jansenist Church of Utrecht, he adds: "This is the impure source from which Thomas Carbry attempted to procure a Bishop, who, with all his adherents, would have been as really separated from the Catholick Church, as any sectarian Bishop in the world. We are informed moreover, that to deceive the ignorant, the plan was carefully to preserve, after the example of the schismatical Prelates of Utrecht, all the exterior practices of our divine worship, and to call their sect: The Independent Catholick Church of the United States!"

The absence of any mention of the conspiracy in Dr. England's *History of the Diocess of Charleston* may be due to his uniform charity towards the Charleston troubles before his arrival.

Propaganda had no doubts over the seriousness of the situation at Charleston, and on June 18, 1820, a decree was issued erecting the See of the two Carolinas and Georgia. On July 1, the Sacred Congregation announced the election of Father John England to the new See. Whatever may be thought of the Utrecht proposal, there is no question that the prompt action of the Sacred Congregation saved the American Church from the evil of schism at this time.

There are many interesting facts connected with the choice of John England for the Diocese of Charleston, and not the least of these is his long friendship for Father Richard Hayes.[14]

Father Hayes did not long survive the painful ordeal to which he had been subjected by the Charleston trustees. During 1820-21, he lived in London, acting as unofficial agent of some of the Irish bishops, and when Plunkett, who had practically succeeded Grattan as the spokesman of the Catholics, brought in his bill for the removal of all disabilities on condition of their taking the oath of Supremacy, Father Hayes was the first to denounce the bill as fraught with danger to the Catholic religion of his native land.[15] In spite of a thorough search, no document was found here or abroad which would lead to the supposition that Father Hayes answered Father Carbry or the Charleston trustees. The Hayes MSS. contain no allusion to any correspondence with the promoters of the Utrecht Plan.

In 1822, Father Hayes commenced publishing a series of sermons which were very popular,[16] but in August, 1823, his health became

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[14]In his *History of the Diocess of Charleston*, Dr. England passed over the Schism in silence. His knowledge of the details of the Utrecht Plan is evident, however, in allusions made in the *Miscellany* at the time he was endeavouring to settle the trustees difficulty at St. Mary's Church. His friendship with Father Hayes no doubt made him aware of the Utrecht Plan at the time of its proposal. It is interesting to note that Father Hayes figured in American Church affairs a decade before the Utrecht scheme. Shortly after his consecration as first Bishop of New York, Dr. Concanen selected from the many ecclesiastics who offered their services for the new Diocese of New York, several priests, amongst whom were two Franciscans, the younger of which was Father Hayes (Cf. O'Daniel, in the *Catholic Historical Review*, vol. II, p. 38).

[15]Cf. Ward, *Eve etc.*, vol. III, p. 68. A sketch of Father Hayes's public life will be found in the *Catholic Penny Magazine*, of Dublin, vol. I, October 4, 1834, pp. 370-371.

[16]The anti-Catholic *Christian Examiner and Church of Ireland Magazine* (July, 1825, vol. I, pp. 54-55) says of these sermons: "Then up started a Friar of the name of Hayes, who had lately returned from Rome; he began a course of most virulent sermons against the Religion of Protestants . . . . These sermons of Friar Hayes were published and considered so valuable and so useful that they were recommended to the perusal of the Irish people by a speech of the great Orator of the Catholic Board, and they were advertised with all possible industry, and in all possible ways. There was not a gate, or pier or chapel door, in any town in Ireland on which they were not placarded. 'Hayes' Sermons Against Protestants' met your eye in capital letters wherever you travelled and outrivalled in publicity Waren's Liquid Blacking, or Solomon's Balm of Gilead."

precarious and his physician advised a journey to the south of France. He was unable to proceed farther than Paris, and on November 19, 1823, we find him writing to a friend in Dublin, asking about the cures which were then taking place through the prayers of Prince Hohenlohe. Doubtless Father Hayes realized by this time that his days were numbered. He died in Paris, on January 24, 1824, at the age of thirty-six, and was buried in Père Lachaise Cemetery. His last literary work is the preface to the third (Irish) edition of Father Demetrius Gallitzin's *Defense of Catholic Principles*, published in Dublin, in 1823.

No mention is made anywhere in the *Miscellany* of the part Father Hayes had in the erection of the See of Charleston. A short obituary appears in the issue for May 5, 1824: "In Paris, on the 24th February, the Rev. *Richard Hayes,* O. S. F. This distinguished ecclesiastic, after his many and successful labours in the pulpit, retired to France, for the recovery of his health, where he fell a victim to the malignancy of a consumption occasioned by his great exertions in the vineyard of the Lord."[17]

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[17]Vol. II, p. 288.

CHAPTER X

The Diocese of Charleston (1820)

The creation of the Diocese of Charleston was indeed the best way to settle all the troubles in the old Southern city. Archbishop Maréchal had pointed out this fact in his letters to Propaganda. But this assurance, which the rest of the hierarchy in the United States shared with their Metropolitan, depended upon the choice of the Holy See for the new bishopric. Maréchal's peace of mind was rudely broken when he received Propaganda's letter of June 26, 1819, in which the new Prefect, Cardinal Fontana, stated that the Sacred Congregation had decided to erect Virginia also into a separate diocese. Fontana intimated, however, that there was no danger of the appointment of Browne, Gallagher or Carbry to either of the new Sees.[1]

Maréchal had profited by Propaganda's complaint against Archbishop Neale, and never lost an opportunity of sending information to Rome on the progress of misrule or disorder in his province. On July 30, 1819, he expressed, somewhat caustically, his regret that men like Gallagher and Browne should even in the remotest way be able to cite official letters from the Sacred Congregation in justification of their actions. It may be significant that in his anger he calls Browne a "Dominican" and this in spite of having followed Browne's career for almost ten years. That the word is not a mere *lapsus calami* is evident from the suggestion he makes in the letter —"*que votre Eminence priait le Supr. des Dominicains de ne point permettre à Mr. Browne de revenir dans les États-Unis.*"[2]

It was about the middle of the summer in the year 1819, that the Sacred Congregation awoke to the full realization of the danger threatening the Church in America. There could be no longer any delay in taking action, no longer a policy of advising patience upon the Archbishop of Baltimore, and no longer a policy of direct dealing with the rebels in the two Southern cities. All these methods

[1]BCA, Special B, L4.
[2]Propaganda Archives, *Scritture riferite, Amer. Cent.*, vol. 4, fol. 303.

had but intensified the evil aspect of the situation. When Utrecht loomed up as the possible mother of a schism in the fold, then it was recognized that swift action would be necessary, if the Southland were to be saved to the Faith.

The situation must be interpreted in its own light and circumstances to be properly judged. Now, a hundred years after the events, we are at liberty strongly to suspect the sincerity of the Utrecht scheme. It may have been purely a gesture on the part of the Norfolkians and Charlestonians, made for the purpose of frightening the Holy See. But if the sheer literal meaning of Propaganda's word can be taken, then Propaganda was frightened; for the phrase, "the danger of perversion", occurs over and over in the documents.

At a General Congregation on American affairs, held in August, 1819, it was decided that the most efficacious means of suppressing the evils was to erect bishoprics in Virginia and in the Carolinas at once (*senza esitanza*). Father Hayes had proved himself a man of God, by denouncing at once to the Holy Father the insidious proposition made to him by the rebellious Americans that he go to Utrecht and be consecrated as Bishop of the "Independent Roman Catholick Church of the United States." But his refusal did not close the door upon ecclesiastical adventurers, and probably the malcontents might induce Gallagher to carry out their plan (*e forse lo stesso Gallagher potrebbe compire l'impresa*). Father Francis Joseph O'Finan, O. P., the former Prior of San Clemente, in Rome, and Father Rice, the Prior of the Irish Augustinians, in Rome, were asked to suggest the names of some Irish clergymen who would be worthy of being promoted to the two new Sees. Among the five names proposed were those of Patrick Kelly, of the Diocese of Ossory, and John England, of Cork, who is spoken of in the *Atti* as *il più bravo, il più attivo, il più eloquente di tutto quel Clero.*[3]

On August 28, 1819, letters were sent to the Bishops of Ossory and

[3]Prop. Arch., *Atti*, 1819, fol. 176. It is significant that at the very time Propaganda was seeking among the best priests of Ireland for worthy incumbents of the new Sees in America, the Norfolk schismatics were spreading broadcast in the land their *Letter to Thomas Jefferson*, which has been given in my *Church in Virginia (1815-1822)*. The Norfolk rebels called upon the entire nation, and upon the members of Congress in particular, to aid the Irish in their fight for home rule in the selection of bishops for the United States. Fenwick believed that Fernandez or O'Driscoll was the author of the letter (Fenwick to Maréchal, BCA, Case 16-O15).

of Cork, asking for their judgment upon the capacity and worthiness of Fathers Patrick Kelly and John England, in view of their probable nomination to the Dioceses of Virginia and the Carolinas.[4] Fontana makes no mention of these two Irish priests in his letter of August 11, 1819, to Maréchal, in which he states again the reasons for the creation of Sees at Richmond and Charleston. Unfortunately one of the reasons repeats itself too often for Maréchal's taste—the *vast distance* which separates his diocese from Virginia. Fontana feared that Carbry, whom he believed to be the instigator of the Utrecht scheme, would succeed in establishing a separate bishopric in Virginia—"*Ad repellandam tantam malorum ingluviem, nullum profecto aptius adhiberi posse remedium video, nisi gravi aliquo Antistite in ea provincia instituto.*"[5] Fontana promised that Father Browne would not be given a hearing, in case he had the boldness to come to Rome.

Dr. Gallagher came to Baltimore in August, 1819, and on the twentieth of the month submitted to the archbishop's authority, sending

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[4]Prop. Arch., *Lettere*, vol. 300, fol. 577. The original, from the Cork Diocesan Archives, is as follows:

Illme. ac Rme. Dne: Id est rei Catholicae status in America Septemtrionali, ut penitus necesse sit novos ibi constituere Episcopos, qui Catholicorum in tanta dissitarum regionum amplitudine curam gerant; quocirca Sacra haec Congregatio valde sollicita est de illorum delectu, qui digne possint tanti momenti munus explere. Cum autem perlatum fuerit, in Corcagiensi ista Dioecesi presbyterum quondam, pietate, scientia, ac studio praestantem versari, nomine Joannem England, qui ad hoc obeundum munus aptissimus esse fertur; rogo, obtestorque Amptm. Tuam, ut diligenter in Dno de illius ingenio ac moribus docere me velis, ac praecipue significare, quae vere sit ejus pietas, ac studium, quae prudentia, quaeque doctrina; num is in praedicationis munere excellat, cujus constitutionis sit, quotque agat aetatis annos, an vitium aliquod in ipso deprehendatur, num denique illum vere idoneum putes, qui tanto muneri praeficiatur. De re agitur, quae Sanctae Religionis bonum nimis afficit; proindeque non dubitans, quin Amplo Tua ea, quae par est, ingenuitate, ac diligentia S. Congnis votis quamcitius satisfaciat, Deum O. M. precor, ut eamdem diutissime servet, ac sospitet.

Amp. Tuae
Rmo Joanni Murphy, Epo.
Corcagiam.

Romae Ex Aedibus C. Congnis de Propa Fide die 28 Augusti, 1819
Uti frater studiosissimus
F. Card. Fontana, *Praefectus.*
C. M. Pedicini, *Secrius.*

a tergo: Right Revd. Doctor John Murphy
Cork, Ireland
Angleterre

[5]BCA, Special B, L5.

him a signed declaration of his unlawful resistance to authority. He "moreover sincerely acknowledged the authenticity of the rescript of His Holiness," and solemnly promised never to claim any "spiritual jurisdiction in the Diocese of Baltimore."[6] The news of Gallagher's submission soon reached Charleston, and on September 1, 1819, Fenwick wrote a letter to Maréchal filled with happiness "at the edifying submission of Father Gallagher and his reconciliation to the Church". He hoped, however, that the archbishop would not allow Gallagher to return to Charleston.[7] The archbishop announced Gallagher's reconciliation to Cardinal Litta on September 18, 1819, and in this letter he repeats the information given to him by Dr. Gallagher that the whole Utrecht scheme was a plot concocted by O'Driscoll to frighten Propaganda and to make the officials of the Sacred Congregation more inclined to listen to their wishes. The archbishop then takes up boldly the accusation which was being mooted at the time that he was anti-Irish in his attitude. His reply may best be given in his own words:

> *Il n'y a point de semaines que je ne reçois des demandes de Prêtres, et généralement on me prie, s'il est possible, de ne point envoyer d'Irlandais. C'est un fait malheureusement trop vrai, que de dix ecclésiastiques qui viennent ici d'Irlande, sur un ou deux qui reussissent, il y en a huit qui tournent mal. À peine ont-ils mis le pied sur le sol américain qu'énivrés de l'esprit de Liberté, ils semblent perdre la tête. Ils ont été la croix de mes deux prédecesseurs et ils sont encore la mienne. En général, ils ne peuvent vivre en paix ni entr'eux ni avec les missionaires des autres nations.*

Maréchal points out that if the accusation of his being anti-Irish is true, how can the fact be accounted for that Bishop Egan, an Irishman, suffered a veritable martyrdom from the Irish clergy in his diocese, and that Bishop Connolly, also an Irishman, was surrounded with his own compatriots, and yet his diocese was in a deplorable state owing to their quarrelling. Unfortunately, just at this time the scandal of Augusta occurred, and Maréchal could well use the name of John Egan as an unanswerable fact in favor of his attitude.[8]

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[6]BCA, Case 21-A-N12.

[7]*Ibid.*, Case 16-O7. Archbishop Maréchal gave Dr. Gallagher permission to return to South Carolina, but not to take up his residence in Charleston, on October 5, 1819 (*Ibid.*, Case 16-N12).

[8]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 4, fol. 317-322.

Marèchal's strong letters had produced a good effect among the officials of Propaganda. On September 18, 1819, Cardinal Fontana wrote to Father Septimus Rotelli, the Father-General of the Augustinians, telling him of Browne's coming to Rome, and commanding him to use his authority not only to silence Browne, but also to prevent him even from returning to America.[9] A sad letter came from Fenwick to the archbishop, on November 9, 1819, telling him of a series of calamities which had befallen Dr. O'Driscoll, and of the fact that the old physician was then in a dying condition. Father Wallace had gone to offer his ministrations, but there was doubt whether he would be received by Charleston's leading Catholic rebel. Fenwick praises in this letter Maréchal's *Pastoral Letter to the Roman Catholick Congregation of Norfolk, Virginia* (dated September 28, 1819), copies of which had then reached Charleston. "I never in my life", he writes, "read anything with more pleasure. It is wise, prudent, and mild. It is in short a highly interesting piece to the Catholics of this country and a complete answer to the grave insinuations that have been thrown out both at Norfolk and this place, which, had they not met with this timely and reasonable corrective, would surely have gained ground . . . . It is too good not to be widely diffused".[10]

There is no mention of the Charleston troubles in the *Pastoral Letter*, though Maréchal's scorn is heaped on Carbry as the instigator of *trusteemania* in the South. Nor is any mention made of Gallagher or of Browne. The former had decided (December 2, 1819) that he could not stand the rigors of a Philadelphia winter, and announced that he was about to leave that city (where he had spent three months as the guest of Father De Barth) for Charleston. He promised however not "to exercise any functions but as sanctioned by your authority".[11] Browne was then in Rome, as we learn from a request made by Propaganda to Father Joseph Maria Mozetti, O.C.D., for judgment on the long *dossier* which Browne had presented in his own favor (December, 1819).[12] Fenwick was alarmed when he received news of Gallagher's intention

[9]Prop. Arch., *Lettere*, vol. 300, fol. 688.
[10]BCA, Case 16-O17.
[11]*Ibid.*, Case 21A-N10.
[12]Prop. Arch., *Lettere*, vol. 300, fol. 889.

to return to Charleston, and begged the archbishop (December, 1819) not to allow the Doctor to exercise the ministry in a State where his scandals "have been too public and have been too recent to ensure him any success in his endeavours."[13] Meanwhile Propaganda had held a special meeting to consider Browne's case, and had arrived at the decision that Browne had incurred censure for his actions in Charleston, but that the Holy Father should be asked to pardon him. Browne was ordered to remain away from the city of his labors until the See of Charleston had been erected (*e prohibito il ritorno a Charles-Town fino à tanto che questa città non sia sogetta ad altro Vescovo*).[14]

A highly interesting *Relatio* on the Church in the United States from Browne's pen is in the Propaganda Archives, undated, but evidently written at this time (1819) at the request of Cardinal Fontana. Among the remedies he suggests for appeasing the dissensions in the American Church are the following: the establishment of an Apostolic Delegation at Washington, preferably under the charge of a bishop, who would be able to settle most of the difficulties arising between the priests and the bishops in the different American dioceses; the acceptance of a stricter observance of the Canon Law by the bishops, who hold that America is a missionary country and that the ancient canons of ecclesiastical law do not bind them; the establishment of a National Catholic University (*un Collegio Ecclesiastico Nazionale*) at Washington, under the direction of the Holy See, and guided by a bishop, whose See would be Washington itself, for the higher training of the clergy. Georgetown and St. Mary's Seminary were failures, because they had never broken away from their foreign methods of training (*ambedue i quali vanno attualmente con gran rapidità in decadenza*). The District of Columbia was then the geographical centre of the Union, and though Congress had discussed on several occasions the ad-

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[13]BCA, Case 16-O18.

[14]Prop. Arch., *Lettere*, vol. 5, not folioed. On April 15, 1820, Propaganda announced its decision to Maréchal (*Lettere*, vol. 301, fol. 245). Browne had made no complaint against the archbishop in Rome, in fact, he had spoken very highly of Maréchal, Fontana says in his letter. The Holy Father absolved him of all censures, except that which forbade him to enter the Diocese of Baltimore. Enclosed with this letter was one from Browne to the archbishop, humbly begging forgiveness for all the trouble he had caused.

visability of moving the national capital westward with the march of population, the seat of government would undoubtedly remain in Washington. A Catholic University in Washington would, therefore, appeal greatly to the Catholics of the United States, and it could be easily supported by annual collections. An American Seminary, directed by Americans for American youth, might be begun alongside the National College.[15]

Archbishop Maréchal was now aware that the Sacred Congregation had under consideration the appointment of an Irish clergyman to the projected See of Charleston. It is not certain how he received this news; but at any rate, at the beginning of the year (1820), he decided to name Benedict Fenwick as his Vicar-General for the Carolinas and Georgia. Fenwick could not see the necessity of the office, since all knew that it was only a matter of a few months before a new bishop would be appointed.[16] But Maréchal's plan became clearer as time went on. He had determined to make Fenwick his Vicar-General and then nominate him for the Charleston See. This he did on April 28, 1820, in a letter to Cardinal Fontana: "Fenwick is now pastor at Charleston. By his prudence, the Schism organized there by Dr. Gallagher and Mr. Browne, has been extinguished. I have appointed him my Vicar-General for the Southern portion of my diocese and he is governing it with wisdom and success. Moreover, the Catholics in those States ardently hope to have him for their bishop, and I fear greatly that, if he is not elected, great difficulties and even a schism will break out in a serious way".[17]

A *ragguaglio*, dated 1819, on the six priests whom Propaganda was considering for the new Sees of Richmond and Charleston, gives us succinctly the life history of Fathers Kelly and England. John England was described by his own bishop as a man of profound general learning, theological knowledge, a sturdy controversialist, and a master in moral conferences. He was thirty-four years old, an indefatigable preacher, of robust constitution, and of solid piety.

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[15]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 5, fol. 180.

[16]Fenwick to Maréchal, Charleston, January 25, 1820 (BCA, Case 16-O18), February 1, 1820 (*Ibid.*, Case 16-O20).

[17]Prop. Arch., *Atti* (1821), fol. 272.

If he had shown any defect so far, the statement runs, it was in his political activities which had rendered him somewhat obnoxious to the British Government; but this would not be a defect in America, where religious freedom existed.[18] In June, 1820, Propaganda issued a decree supplicating the Holy See to erect the Diocese of Charleston, and nominating John England as Bishop for the new See:

> *Cum nimis expedire visum fuerit, ut utriusque Carolinæ provinciæ una cum Georgia in fœderatis Americæ provinciis ab amplissima Baltimorensi diœcesi distrahantur quippe quæ ab eadem sede sic distant, ut Baltimorensis archiepiscopus illarum curam vix gerere possit, proindeque ipsemet non modo consensum sed etiam consilium præbuerit, ut eæ provinciæ in novam episcopalem ecclesiam Baltimori suffraganeam erigantur, Sacra Congregatio, referente Eminmo. ac Revmo. D. Card. Fontana Praefecto, censuit ac decrevit supplicandum Sanctiss. ut prævia earundem provinciarum dismembratione a Baltimorensi diœcesi, novam episcopalem ecclesiam in civitate Carolopolis, vulgo Charleston, erigere benigne dignetur, quæ utramque Carolinam atque Georgiam complectatur, et in novum illum episcopum eligere, et constituere pariter dignetur Corcagiensem presbyterum Joannem England, virum pietate, prudentia, studio, atque doctrina maxime commendatum.*[19]

On June 18, 1820, in an audience granted to the Secretary of Propaganda Fide, Pius VII approved the action of the Sacred Congregation and ordered that the official documents be issued. The following week (June 24, 1820), in announcing to John England his election to the See of Charleston, Cardinal della Somaglia, Vice-Prefect of Propaganda, warmly recommended to him as an adviser Father Robert Browne, who had labored much in the Lord's vineyard there, and who had been relieved by the Holy See of the cen-

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[18]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 4, not folioed:
"D. Giovanni England, di Cork, parroco e vicario foraneo di Bandon. Monsignor vescovo Corcagiense lo rappresenta come un soggetto dotato di molta scienza, e sana dottrina, bravo controvertista, e maestro delle conferenze morali. Egli è pio e indefesso nella predicazione. Ha 34 anni di età, ed è di temperamento robusto, e senza difetto. Si mescola però troppo negli affari politici per i rapporti con la Religione, onde è alquanto inviso al governo, qual difetto peraltro non averebbe luogo mei Stati Uniti di America, ove la religione è libera."
[19]Prop. Arch., *Lettere*, vol. 301, fol. 451.

sures placed upon him by Archbishop Maréchal on account of the part he had played in the recent agitations in that diocese.[20]

Maréchal received the news of England's appointment to Charleston in a letter sent from Rome on July 8, 1820, by Father William Taylor, who was then in the Eternal City, pressing his case against Bishop Connolly of New York. "I did what I could," he writes, "to forward your recommendation of Mr. Fenwick . . . but am informed this day that the Congregation has appointed Mr. England to the See of Charleston."[21]

On Monday, July 10, 1820, Bishop-Elect John England received a letter from Father Henry Hughes, dated Rome, June 17, informing him that he had been appointed to the See of Charleston.[22] The official notification of his appointment, dated July 22, 1820, recommends his immediate consecration and voyage to Charleston, where the presence of a bishop is badly needed (*Tuum itaque erit ad novam tibi commissam ecclesiam te quantocius conferre*). The Sacred Congregation again suggested that he seek the advice of Father Robert Browne whose long experience in the new diocese will be valuable to the Bishop-Elect (*doceri accurate possis, non levi tibi praesidio esse poterit P. Robertus Browne, qui ibi diu moratus est*).[23] On August 12, 1820, Dr. England received from Bishop Murphy of Cork the Apostolic Brief of his election, the letter of Cardinal della Somaglia, a letter from Browne, dated Rome, July 22, and one from Hughes giving him an account of the Charleston Schism. Two weeks later (August 25), Dr. England resigned his parish of Bandon and fixed on September 21 as the day of his consecration.[24]

His first letter to his new flock is dated July 12, 1820, and was written from Bandon. It is directed to "the Principal Roman Catholic Clergymen at Charleston, South Carolina, United States of America," and is as follows:

> I have had letters from Rome informing me that South Carolina has been formed into a Bishoprick and that I have been appointed Bishop thereof, adding that I may expect my Bull in a

[20]"Qui in excolenda Domini vinea plurimum laboravit, et quamvis ob ardentissima partii studia quae diu missionem illam agitabant, ipse a Baltimorensi Archiepiscopo suspensus fuerit etc." Prop. Arch., *Lettere*, vol. 301, fol. 443.
[21]BCA, Case 20-R10.
[22]*Diurnal of Right Rev. John England, D.D.*, p. 2., Philadelphia, 1895.
[23]Prop. Arch., *Lettere*, vol. 301, fol. 528.
[24]*Diurnal etc.*, p. 2.

few days and that it was the wish of the Holy See that I should proceed with all convenient speed to my Diocess.

I am quite unaware of the manner in which this appointment has taken place, but I know that I had no part therein, nor had any person acted on my behalf with my knowledge, nor should I have made choice of any place so far to the south and so swampy as Carolina is, had I any influence in the choice. But I have hitherto acted upon one principle from which I shall not deviate in this instance. I have never sought place or promotion, but left it to my superiors to appoint the field for my labours; and then if it was in my power, I have exerted myself therein. I shall now act in the same way and the questions of when and how (or whether perhaps) I shall proceed to Carolina, must be decided by the Roman Catholics of this new Diocess.

Having no intention of leaving Ireland, I had fixed myself in my parish, and for the purpose of promoting some useful institutions, I had incurred much expense which not only consumed my available means, but created a small *personal* debt which the application of these means, as they arose, had nearly wiped off, and to insure the payment of which in case of my death I had insured my life. By leaving Ireland my policy of life insurance becomes invalid and by leaving my parish my means are destroyed, for my present property is very small, not amounting to thirty pounds per annum. I cannot think of leaving this country without being able to command a sum of at least three hundred pounds, besides the expenses of my passage; and the question for the People of Carolina is whether they could and would send me this sum. It would be folly for me to apply to my family, who would certainly give me this sum, but who would give a larger sum to keep me from going to America. I may truly say the same of my other friends or parishioners or the Catholics of Cork, in which city I was born, and in which I officiated during nearly nine years. And besides it seems only fair that if my services be required in any place, the persons for whom they are expected, and not the persons from whom they are withdrawn, should be at the expense of the transfer. But the Catholics of Carolina may not think them worth the purchase, and it is quite impossible for me to assist them in coming to a conclusion on the subject except by the furnishing of one fact which is my age. I shall be 34 years old, if I live, in the next September. As I have not the honour of knowing any person in the State I have thought it my duty to lay this statement before you for the purpose of its being communicated in the most speedy manner to those whom it may concern, and that through you or any other way they may think proper, I may

as soon as possible receive their answer so to enable me to determine upon what my conduct should be. I wish it to be most distinctly understood that whatever my feelings may have been heretofore, I am anxious, since the appointment has taken place, if I be furnished with the means, to accept the situation and proceed immediately to discharge its duties to the utmost of my ability, and that if I could otherwise command the necessary expenses, I should never have troubled the people of Carolina for a single dollar.

Should it be determined to afford me the means, I shall feel obliged by your giving me the earliest intimation thereof, as I could commence my preparations, before I had received the remittance.[25]

When Father Fenwick received this straightforward letter, on October 19, 1820, he wrote in consternation to Archbishop Maréchal asking for advice.[26] There is nothing extant in the Archives at Baltimore or at Charleston to tell us whether the Charleston Catholics attempted to collect this sum for their Bishop. But we do know from a passage in England's *Diurnal* that his family was obliged to give him the funds necessary to clear off his debts in Bandon and to pay his passage to Charleston.[27]

A month later (August 29, 1820) Bishop-Elect England wrote to Father Fenwick, but there is only a slight mention of the necessity of funds for his voyage across the Atlantic:

I beg to inform you that I have received from the Holy See Bulls appointing me Bishop of Charleston and placing under my jurisdiction both the Carolinas and Georgia. I have accepted the appointment and resigned my Parish and other Offices in the Diocess and fixed with the Rt. Rev. Dr. Murphy, the Bishop of Cork, to receive consecration at his hands on Thursday, the 21st of next month, God willing. I am also making the necessary arrangements to take my departure for the United States as soon as I can after that day.

I have received a letter from the Rev. Robert Browne, whom the Sacred College *de Propaganda Fide* has restored to jurisdiction, stating that he was about to leave Rome for Charleston, and a letter from a friend of his in Rome stating that Mr. Browne did not intend exercising that jurisdiction without my concurrence. I have given my consent and conferred upon you

[25]BCA, Case 16-P29.
[26]BCA, Case 16-P29.
[27]*Diurnal etc.*, p. 3.

also, and upon the other Reverend Gentlemen now exercising jurisdiction within my Diocess, full and ample powers to continue that exercise until the expiration of one calendar month after my arrival in Charleston. Will you be kind enough to notify this to them and to request their remembering me in the proper place in the holy sacrifice and otherwise in their prayers? I assure you, Sir, you and they have whatever little benefit that may be derived from mine.

I am quite aware of the very unpleasant state of the Catholic Church in Charleston from some time back, though I am not thoroughly acquainted with the particulars. I trust that by your kind exertions and those of your fellow-labourers, peace and good will will be established and preserved. On my part I assure you every exertion shall be made to attain those desirable objects. Would not the principle of oblivion be the most likely to create harmony? You and other gentlemen may have much to forgive, but surely I need not press upon your mind the decency and the necessity of forgiveness. Let me entreat your coöperation to establish the principle; our minds will then be unembarrassed and we shall be free to devote ourselves entirely to the discharge of our most important duties.

I shall probably go by rather a circuitous way to Charleston, as I feel it to be my duty, as it is my wish and intention, to pay my respects to the Archbishop of Baltimore. Probably you have received a letter written by me on the subject in the month of July, and directed to the *principal Clergymen of the Roman Catholic Church at Charleston.* I have made a temporary arrangement on the subject of that letter, but I trust the substance will be attended to, otherwise I shall be greatly disappointed.

Will you have the goodness to request the prayers of the different congregations for me? The discharge of this duty is obligatory upon them, as I am obliged to pray for them.[28]

Bishop-Elect England's first letter to his Metropolitan, is dated at Bandon, September 1, 1820, and carries the information of the date fixed for his consecration. "I intend to call upon your Grace at Baltimore," he writes, "if possible previous to my arrival in Charleston, to receive from you the necessary advice and instruction as to the management of the Diocess committed to my care, as well as to testify to your Grace that respect and deference which your public station and private character so properly demand."[29]

[28]BCA, Case 16-P30.
[29]BCA, Case 16-J1.

There was no time to reply to this courteous message, since Dr. England announced his departure for the week following his consecration (September 21); and it is regrettable that we have not been able to find Maréchal's sentiments regarding affairs in the new diocese. Neither Fenwick nor himself could view with equanimity the successful procedure of Browne in Rome. Fenwick, indeed, does not fail to show his disgust, in his letters to Maréchal at this date, over the return of one of the stormy petrels of Charleston to that city. The news that Browne would return, he writes (September 17, 1820), "excited a wonderful sensation here among a certain class who begin to consider it a complete triumph over your Grace."[30] A few days later (September 25), Fenwick enclosed with his letter to the archbishop what Maréchal calls the "astonishing letter of Cardinal Fontana to the Trustees of Charleston." That Browne had triumphed over legitimate authority was now only too evident. Fontana's letter, a copy of which Fenwick had procured with difficulty, had

> the effect of opening anew in a great measure wounds which had been almost perfectly healed. . . . The letter is unquestionably the consequence of Mr. Browne's late misrepresentations. During his recent stay in Rome he has left no stone unturned to persuade the worthy Cardinal that all was confusion here (which he knew to be false, having been himself a witness of the restoration of peace, harmony, and order, during the six months he remained here after our arrival), and to induce a belief that unless something was done, *i.e.* unless himself was reinstated, I suppose, the Catholics here would all turn Protestants! Accompanying this letter of the Cardinal, he has written two letters to his friends in which he says that he is reinstated and may be expected every day with the new Bishop[31]

Undoubtedly, the existence of this letter among lay people who were, though rebels, still under his jurisdiction, did not have the effect of preparing in the archbishop's mind a hearty spirit of welcome for the young Bishop of Charleston. It was an unfortunate prelude to his coming, and it could not have created a good feeling

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[30]BCA, Case 16-O26.

[31]BCA, Case 16-P27. Cardinal Fontana's first letter, dated May 26, 1820, is not in the Baltimore Cathedral Archives or in the Propaganda Archives, but its tenor may be seen in a second letter sent by the Cardinal-Prefect to Mr. Plummeau and the Catholics of Charleston, dated November 11, 1820.

in the entourage of the archbishop. That John England had no knowledge of this letter is evident. Browne had sailed from Bordeaux for Charleston, and it was only in late December that Dr. England met him at Charleston itself.

On October 2, 1820, Bishop England wrote to Maréchal, from Cork, announcing his consecration in the Cathedral of St. Finnbar, by the Bishop of Cork, Dr. Murphy, assisted by Bishop Kelly, of Richmond (who had been consecrated at Kilkenny on August 24, 1820), and Bishop Moran of Ossory. The Most Reverend Archbishop Everard, coadjutor of Cashel, Archbishop Bray of Cashel, and Bishops Coppinger, Shugrue, and Tuohy were also present. Two young clerics, Timothy McCarthy and Denis Corkery, who had volunteered for Charleston, were ordained to the priesthood by Bishop England, a few days later (September 24, 1820), in the Ursuline Chapel in Cork. These facts Bishop England included in his letter of October 2, in which he tells Maréchal that he had restored Father Browne's faculties "at the recommendation of Propaganda," as well as

> upon the principle that for the peace and harmony of a young Church, it was better to pass over in oblivion all past differences, and do what lay in my power to create a feeling of good will towards the new administration, without having any allusion to your Grace; and I considered that permitting it even to be discussed, would tend equally to bring you before my tribunal, which would be a complete inversion of order and decency, and would perpetuate the dissensions which did unfortunately exist. I am the most anxious to give your Grace every explanation on this head, lest any of my acts should be misconstrued into either disrespect or opposition to your Grace. I beg leave to assure you and I trust you will give me full credit for the assertion that nothing would give me more pain than that any act of mine would wear an unpleasant assurance towards you, and that I shall always feel most happy to receive and follow the advice of one who has had so much more experience and has had so many opportunities of observation in a country to which I am as yet a total stranger.

Bishop England added that a variety of circumstances had rendered it necessary for him to go direct to Charleston. He expected to sail in about two weeks, accompanied by his sister, Joanna England, and the two priests he had ordained for his diocese—"I shall

have the honour and happiness of waiting on you the first moment I can arrange for that purpose."[32]

Father Browne reached Charleston on Saturday, November 30, 1820, and called upon Father Fenwick, who was not at home. He attended Mass the following morning, sitting in a pew. Father Fenwick told him, when they met, that as Vicar-General of that part of the archdiocese, he could not permit him to say Mass or perform any sacerdotal functions. One significant passage in Fenwick's letter of December 4, 1820, from which the above details are taken, shows that correspondence passed between Maréchal and himself, in which the archbishop expressed his regret that he had not been able to have Fenwick nominated for the new See. "I bow," says Fenwick, "with most profound submission to the choice and hail the new order of things as being peculiarly favourable to my future repose. During the short stay I shall make in Charleston after the arrival of the Bishop, I shall render him every aid in my power towards his establishment and towards gaining the good will and affections of his flock."[33]

Maréchal was, indeed, sincere in his regret. He knew Father Fenwick, as the American Church was to know him within a few years, as one of its foremost ecclesiastics. He did not know John England, and because England had apparently, for peace' sake, allowed Browne to triumph over Maréchal's decision, he was not inclined to be friendly towards the young bishop. But sincere regret could not change the words Maréchal had written on October 16, 1818: "*Doleo quod nullum in Foederatis Americae Statibus sacerdotem cognoscam, quem ei ultro commendare possim ad illam sedem occupandam.*"[34]

Father Browne began to assert his right to act as a priest of the new diocese, but Fenwick was adamant. His was the authority to govern the three States of the Carolinas and Georgia in Maréchal's name until the official notification of the creation of the new See

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[32]BCA, Case 16-J3.

[33]BCA, Case 16-P31.

[34]And yet, a year later (April 4, 1820, to Fontana), Maréchal had no difficulty in finding eligible priests for the proposed new Dioceses of Cincinnati and Detroit. He recommended Father David, Father Edward Fenwick, O.P., Father Gabriel Richard, and Father Lartigue (Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 4, fol. 401-403).

had reached him. Fenwick was none too pleased at "this tripping backwards and forwards to Rome of private Priests complaining against their ecclesiastical heads," and Browne was the leading exponent of the method.[35]

The situation stood thus until England's arrival. On October 10, 1820, he writes in his *Diurnal*,

> I left my native city, Cork, in the afternoon, accompanied by my sister Joanna, who gave me £300 to enable me to proceed, and my brother, the Reverend Thomas R. England, the Revd. Thomas O'Keefe, my brother Edward and my brother-in-law, Michael Joseph Barry, and came to Fermoy. That evening my mother was so affected at my departure as not to be able to leave her bed, my Father having been buried nearly eight years, my brother Michael was living in Bandon, my sister Anne was married to Mr. M. J. Barry, and had three children.[36]

He then appointed his brother, Father Thomas England, and Father O'Keefe his Vicars-General for the purpose of receiving and passing upon all applications from priests who might volunteer for the Diocese of Charleston. On October 14, 1820, he dined with the collegians at his old *alma mater*, Carlow, and from that quiet little town proceeded to Belfast by way of Dublin. A week later (October 22) he set sail on the *Thomas Gelston* for South Carolina.

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[35]BCA, Case 16-P32.
[36]*Diurnal etc.*, pp. 3-4.

CHAPTER XI

The Organization of the Diocese of Charleston (1820-1823)

In the evening of December 27, 1820, the good ship *Thomas Gelston* reached the Charleston bar, crossed it the next morning, and cautiously working its way up the channel, came to anchor the following evening. Bishop England, his sister, Joanna, and Father Denis Corkery, came ashore on Saturday, December 30. Father Fenwick was waiting to receive them, and after an exchange of courtesies, Bishop England was conducted to the little home prepared for him in Hasell Street. Father Fenwick was constituted Vicar-General, and the two priests, Dr. Gallagher and Father Browne, O.S.A., were given faculties in the diocese. That same day Bishop England received the trustees of his Cathedral. The following morning was Sunday, and he had the happiness of celebrating pontifical Mass. He took possession of the church in the prescribed manner, published the Bull of his consecration, and preached his first sermon in his diocese. The next day was New Year's, and Dr. England spent it preparing a Pastoral which was to be published the following Sunday. From the *Acta* of 1819 of the Sacred Congregation de Propaganda Fide, it is evident that Bishop England's private instructions, regarding the disturbed condition of the Church in the Southland, emphasized the necessity of bringing peace and order immediately to that distracted portion of the American Vineyard. He knew the situation, the trouble, and the causes of the trouble, the priests and the laymen involved, and the temper of this Southern community from the information his correspondents in Rome had given him. He was thoroughly aware of the complexity of the struggle between the episcopal authority of Baltimore and this far-distant congregation. His action towards Gallagher and Browne was not a hasty one. In the whole of the Southland there were but six priests—Fathers Fenwick, Gallagher, and Browne, then in Charleston; Father James Wallace, then in Columbia; and Father Samuel Cooper, in Augusta. Father Denis

Corkery, the sixth, was the only priest canonically belonging to his diocese.

There is no doubt that Bishop England began at once to draw upon the information and experience of Father Fenwick for a survey of the Catholic conditions of the Southland. His *Diurnal* shows how swiftly he planned his first Visitation. On January 4, he "wrote and despatched letters of Communion to the Most Revd. Ambrose Maréchal, Archbishop of Baltimore; the Right Reverend Doctors Chevereux, Bishop of Boston; Connolly, Bishop of New York; Conwell, Bishop of Philadelphia; Kelly, Bishop of Richmond; Flaget, Bishop of Bardstown, and Du Bourg, Bishop of St. Louis, and commissioned the Revd. B. J. Fenwick to transmit a copy of my Bull and Certificate to the Archbishop of Baltimore." Neither the original Bull nor the certificate of Consecration was found in Baltimore or in Charleston, and of these various letters the one to Maréchal alone seems to be extant.

Charleston, S. C., Jan. 2, 1821

My Lord,

I beg leave to inform your Grace of my arrival here on last Saturday after a tedious passage of sixty-eight days. I was happy upon my arrival to find peace and good order not only amongst the clergy but amongst the laity of my little flock, for which I am to thank principally, as I am informed, the exertions of the Rev. Mr. Fenwick.

That gentleman speaks of returning to Georgetown, but I hope he will at least defer doing so for some longer time than he now mentions, (three months), as his departure before I had visited the few Churches in my Diocess and set them in order would be attended with inconvenience to me.

I have given him a latin copy of my bull and a translation both which I suppose he has compared with the original which I left with him for that purpose, with a request, that he would transmit an authenticated copy to your Grace. This I suppose he has done or will do shortly.

After I had notified to your Grace my acceptance of my appointment, I notified the same to Rome accompanied by a certificate of my consecration, and a request that I should obtain the extraordinary powers contained in the *formula Sexta* and any others which may be deemed necessary for this Mission. I have not yet received nor was it possible I could receive an answer to this letter. Meantime I should suppose your Grace would have the kindness to send me an account of the

extraordinary powers (if any) granted to the Bishops of these States, or if you should have power from Rome to grant in its name any extraordinary powers that you will have the goodness to communicate them to me.

Your situation, age, experience and acquaintance with the American Mission, must qualify you eminently for giving useful advice to a strange and inexperienced though, I trust, well intentioned Bishop. I therefore expect your Grace's support in the discharge of the arduous duties which I have perhaps too rashly undertaken, and earnestly recommend myself to your Grace's prayers and a participation in your sacrifices as you shall always be remembered in those of, My Lord,

Your Grace's very humble and Obedt. Servt. & Brother in J.C.

✠John England,
Bishop of Charleston.[1]

Father Fenwick sent the official papers to Maréchal on January 3, 1821, and in his letter to the Archbishop, he says of the new bishop: "He is a man of talents, of a very pretty address, and as far as I can judge in so short a time, of equable temper. He will, I think, answer the place."[2]

A fortnight later, after having announced his coming visit to Catholic laymen in various parts of his diocese, Bishop England was ready to set out—with Father Browne, whom he was taking to Savannah to place over the congregation in that city. Meanwhile the Pastoral had been printed, and copies were distributed to the Catholics of Charleston, and sent by mail to every place where Catholics were known to reside. As his first public letter to his flock, this Pastoral deserves inclusion in full. It is the first of its kind in the history of the American Church. No bishop before his time had issued such an inaugural document, and it must have been a novelty to those older than himself in the episcopate here. The Pastoral contains three leading thoughts—the fall of Adam and the necessity of Redemption; religious authority under the Old Law and in the New; and a Charge to the faithful of the diocese to be obedient to Church and State.

John, by the grace of God, and with the approbation of the Holy See, Bishop of Charleston, to our beloved brethren of the Diocese of Charleston.

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[1]BCA—Case 16—J4.
[2]BCA—Case 22—D1.

May the mercy of God the Father, through his blessed Son Jesus Christ, and the charity of the Holy Ghost, be always with you.

The change which has taken place, in the formation of your church, by its separation from the see of Baltimore, and its erection into a bishopric, requires that WE who have been appointed to its government should express OUR sentiments upon the subject.

Our forefather Adam in the day of his innocence, walked through Eden in favour with his Creator; the earth yielding spontaneously the means of his comfort here, and the heavens opening to his view scenes of future happiness. But by irregular curiosity, and presumptuous disobedience, he forfeited the felicity which he enjoyed, and lost all right to that bliss which he expected.

Upon his repentance, redemption was promised, but its application was to be made only upon conditions which his ability could fulfil, but which his will might reject. Thus, although his salvation did not originate with man, yet without his co-operation it could not be accomplished; and that co-operation was the performance of the conditions imposed by him, from whose wisdom, mercy, and beneficence alone, redemption was to be obtained.

The nature of those conditions was twofold, belief and practical obedience; by them man was to pay the most perfect homage to the Deity; and whilst in their fulfilment, he was punished for his prevarication, by their consequences he was to be perfected in his scale of being. Belief humbled his understanding; obedience checked his will. His original fault was the pride of knowledge, its immediate consequence, obstinacy of disposition; by requiring the belief of truths beyond his comprehension, and the performance of acts not always agreeable to his disposition, as the conditions of his redemption, man was to be at once, punished for his crime, healed of his infirmity, and redeemed from his bondage. Hence, true religion consists in believing God when he teaches us, and obeying him when he commands us.

To discover what he teaches us, and to learn from his commands, so that we may be faithful in both respects, is our duty; and this discovery, is the result of the investigation of facts, and not of the examination of opinions. The Lord has frequently spoken by the mouths of his prophets, and finally by the mouth of his beloved Son, who came to fulfil the work of our redemption. When the Lord spoke, he made his revelations manifest to those with whom he conversed, and their authority

plain to those whom he commissioned them to teach; and having thus exhibited his authorized teachers to his people, he required the obedience of that people. Thus when he sent Moses into Egypt, he strengthened him with the power of miracles, and when upon Sinai he gave a law, he thundered before the multitude, and called the teacher up to his presence: upon the authority of Moses, Aaron was consecrated, and the right of his family to the priestly office was confirmed, as well by the blooming of his rod, as by the catastrophe of Core and his adherents. The regular succession was all that was thenceforth necessary to learn, for the purpose of ascertaining in whom was vested the authority to teach, until he should come who was the desired of nations, this other Lawgiver by whom the Father was to raise up to fulfil what was but darkly foreshown in the institutions of the desert. Hence when even they who held this authority persecuted the Redeemer, he stated the ground of his submission to them in the fact that they sat upon the chair of Moses. Their authority expired only with their law, and when that of Jesus Christ succeeded, we find another priesthood substituted for that of Aaron. *The Lord hath sworn, and it will not repent him,* said the royal prophet to the Messias, *thou art priest for ever according to the order of Melchisedech* (Psalm cix. 5). And upon the night before he suffered we find him communicate this priesthood to his Apostles. Then he no longer called them servants, but friends. He made known to them the mysteries of the kingdom of God, that they should teach them to the nations of the earth; for he commissioned them to go forth to teach all nations, and promised that he and his Holy Spirit would abide with them all days, to the consummation of the world. As his heavenly Father sent him so he sent them, and whosoever should receive them should receive him, and, whosoever should reject them should reject him.

But as they, being only twelve mortals, could not go to all parts of the world, and were not to live all days to its consummation, it became necessary that they should associate others to them in their commission, as well to provide for the millions then living as for the generations that were to succeed them: and hence, we find that by prayer and the imposition of hands, they did qualify others, whom they associated to their apostleship, and sent forth to the work whereunto they had been selected by the Holy Ghost. And thus do we find in the new law the same principle which governed the old; the authority to teach, and to minister in the church specially bestowed upon particular individuals by God's appointment, and continued

by regular succession to after ages; and hence no person can assume this authority to himself, but he who is called by God, as was Aaron. And hence the authority to preside and to teach in the church of God is not derived from talents, nor from wealth, nor from worldly power, nor from popular choice, nor even from the piety and virtue of the individual, but from having been regularly assumed to the apostleship, and ordained therefor by some successsor of an apostle who has thereby received his authority from Jesus Christ.

Among those Apostles there was one superior in dignity, preeminent in power—he whose name the Saviour himself changed to signify his office. "I say unto thee (Simon, son of Jona) thou art *Peter;* and upon this *rock* (Peter) I will build my church, and the gates of hell shall not prevail against it. And to thee will I give the keys of the kingdom of heaven; and whatsoever thou shalt bind on earth, it shall be bound also in heaven; and whatsoever thou shalt loose on earth, it shall be loosened also in heaven." (Matt. xvi. 18, 19.) And on another and a memorable occasion, when he addressed him in the language of warning and affectionate reproof, he established his duty of general superintendence. "Simon, Simon, behold Satan hath desired to have thee that he might sift thee as wheat; but I have prayed for thee, that thy faith fail not. And thou being once converted, confirm thy brethren." (Luke xxii, 31, 32.) And again, when he gave him charge not only of his lambs, but also of the very sheep who were to give spiritual nutriment to those lambs.

Accordingly we find the Apostle St. Peter filling that place to which he had been appointed by the Saviour, when, after having been converted from his guilt of denial on the very night of the admonition, he on the day of Pentecost speaks in the name of the rest as their head and their chief; when he works the first miracle, and brings the first increase of Jews to the church; when, in his solicitude for the welfare of that church, he proposes to have an apostle appointed in the place of Judas who had fallen; when he, after the divine revelation, first receives the Gentiles into the fold; and in all things appears to be the rock upon which the spiritual edifice of Christianity was reared. The solicitude of the faithful, too, for him, as their head, is manifested by their continual prayer for his safety when he was kept bound by Herod.

As the Saviour established a church which was to last to the end of the world, its government was to be coeval with its existence; and hence Peter was to have a successor who was to possess his power, as Aaron had a successor who was invested

with his high-priesthood. The chief Apostle first made the East the great theatre of his exertions, and the city of Antioch was his principal residence during about seven years; but his zeal, and the necessities of the church, and the providence of God, led him to Rome, then the capital of the world,—where, during twenty-five years, he exercised his supreme administration, and authority, and crowned a life of exertion by a glorious martyrdom on the same day that the doctor of nations, St. Paul, who, during many years, had shared his labours, yielded his soul to his Creator. His successors, by occupying his place, have preserved his power,—and this now is vested in Pope Pius VIIth, the present Bishop of Rome.

Besides the divine authority to which slight allusion has been thus made, we have the testimonies of the most venerable authors of the earliest ages of the church to show the fact, that all Christians looked up to Rome as the mother and mistress of all other churches. In that see the apostolic succession has been preserved; and to the bishop of that see it appertains to provide for the wants of the various parts of the world, which either have not become acquainted with the doctrines of the Redeemer, or, knowing his doctrines, stand in need of the administration of his sacraments.

Your former prelate, the Archbishop of Baltimore, finding that you were at too great a distance from him, applied to the Sovereign Pontiff to relieve your wants, by giving you a bishop; and though our deserts have not qualified us for the situation, yet OUR holy father has vouchsafed to regard US with a favourable eye,—and that the prayer of the archbishop might be granted, WE have been selected, appointed, consecrated, and sent to govern your church. Thus WE are placed in the midst of you, unworthy as WE are, yet vested with apostolic power, having, through the HOLY SEE, received that power from JESUS CHRIST himself.

WE may then address you as OUR dearest children in JESUS CHRIST, for WE are placed over you as a father to teach you the doctrines of truth, to guide you in the way of salvation, to feed you with the bread of life, and to spend ourselves for your eternal welfare,—as WE must render an account for your souls, at his great tribunal, to that Father whose unworthy substitute WE are, and who has shed his blood to purchase our souls from damnation. In proportion as the dignity of OUR order is great, so is OUR responsibility awful; and with you, beloved children, in a great measure it rests to lighten this burden. WE shall endeavour, with God's holy assistance, to perform OUR duty with fidelity and zeal; WE intreat your co-operation.

WE shall point out to you the path of your duty—WE conjure you to walk therein; WE will place the sacraments within your reach—WE beg of you, through the tender mercy of JESUS CHRIST, to stretch forth your hands and partake of the celestial banquet; WE shall incessantly offer up OUR humble supplications for you at the throne of grace; WE particularly recommend to you assiduity in the discharge of the great duty of prayer, and trust that when your aspirations and petitions penetrate the clouds of heaven, the name of him who labours for your welfare may be found embalmed amidst the fragrance which will ascend to the seat of the Most High.

Let temperance, justice, mercy, benevolence, charity, piety, modesty, and chastity be your characteristic virtues; for you are called upon to serve a GOD of purity and perfection. Do not place confidence in your youth, your strength, your health, nor your riches—for you are the certain victims of death; you have been sentenced to return to the dust from which you have been originally taken, and you know not the day, nor the hour; wherefore WE beseech you to be always prepared, for the Son of man will come at the moment when he is least expected.

Your past conduct, and what we have learned of your dispositions, leave no doubt upon OUR mind of your devotion to the interests of the state, and of your determination to fulfil your duty as citizens. You need not our exhortation on this head. But do not deem it presumption in US, who have not the honour of being an American citizen, to have adverted to the topic; for were it necessary, it would have been OUR solemn duty to call upon you for the preservation of the public peace, and the maintenance of those liberal institutions by which you are so well protected; for WE are the minister of the GOD OF PEACE, who has placed the sword in the hand of the governors for the good of the society. And WE OURSELF have for a long time admired the excellence of your CONSTITUTION, and been desirous to behold your eagle grow in strength and beauty as his years increased,—whether he rested in majesty upon the bases of the wisdom, the moderation, and the fortitude of your government, or, lifting himself on the pinions of your prosperity, and surrounded with the halo of your multiplying stars, fixed his steady eye upon that sun of rational freedom, which culminates for you, as it departs from the nations of the East.

We intreat of those within our jurisdiction who may be desirous of having spiritual assistance to make their wants known to US, that WE may take the best steps which our limited means will allow for having them relieved; and as WE cannot at present completely satisfy either their desires, or OUR OWN in-

tentions on this head, WE intreat their patience and indulgence until WE shall be better able to fulfil the dearest wishes of OUR heart. But we must also remind them that they who preach the Gospel should live by the Gospel (2 Cor. ix), and they who serve the altar should live by the altar. And that it must depend in a great measure upon their own exertions, and the means placed at OUR disposal, whether WE shall be able to have them served, and OURSELF gratified.

"As to the rest, brethren, be strengthened in the Lord, and in the power of his might. Put ye on the armour of God, that ye may be able to stand against the snares of the devil. Stand, therefore, having your loins girt about with truth, and having on the breastplate of justice, and your feet shod with the preparation of the Gospel of peace; in all things taking the shield of faith, wherewith ye may be able to extinguish all the fiery darts of the most wicked one; and take upon you the sword of the spirit, which is the word of God." (Ephes. vi.) Place your trust in the Lord Jesus, and in the abundance of his merits; stand perfect in every good work; walk as children of light; let your example so shine before man in all goodness, that they may glorify your Father who is in heaven; so that after this transitory state of trial, the splendour of your virtues may reflect back the glory of redemption to the throne of your Saviour.

Peace be unto you, brethren, and charity with faith from God the Father, and the Lord Jesus Christ, and the Holy Ghost. Amen.

✠JOHN, *Bishop of Charleston.*[3]

On January 15, 1821, England started from Charleston on his Visitation, after giving sealed instructions to the Vicar-General, Father Fenwick, and directing him "to take a building for a second temporary Church in that City, and if possible to purchase ground in a good situation for a large Cathedral Church."[4] He then took passage for Savannah in the sloop *Delight*, Captain Cooper, "having with me the Revd. Robert Browne."[5] On the seventeenth day, they anchored at the bar off Tybee Lighthouse, and on the following day came up the river and landed at Savannah. That city had been without a priest since October, 1820, when Father Cooper spent

[3] *Works* (Reynolds), vol. IV, pp. 232-235.
[4] *Diurnal*, p. 6.
[5] *Ibid.*

twelve days there. An examination of the church in Liberty Square revealed practically everything essential in good order. Mass was celebrated on Friday, January 19, confessions were heard, and Dr. England preached both morning and evening to the congregation that had come to hear him. The following morning after Mass, at which twelve persons received Holy Communion, he wrote to the trustees informing them of his intention "of appointing a Priest to take charge of Savannah, and requesting to know the means for his support." Dr. England stated also that for his own support "a voluntary subscription and collection would be made in their Church on the 3rd Sunday in Lent in every year," and that he would expect from the trustees his traveling expenses "whenever it may be necessary to visit their City." He was invited that same evening to meet the trustees and was assured that sufficient funds were available for the support of their new pastor. "I also recommended to their consideration," he writes in the *Diurnal*, "the propriety of making the necessary preparations for building a new, large, and respectable Church, and of providing means for the support of two or more Priests, when I should be able to send them."[6]

The beginning of organized parochial life in Savannah came the following Sunday morning, when Dr. England publicly at Mass "committed the flock of Savannah to the care of the Revd. Robert Browne until I should think proper to remove him."[7] The principal citizens of the town were present at these services, and Dr. England took advantage of the occasion to preach to them. The next day he received a letter from Archbishop Maréchal, "full of kindness." He was asked by the mayor of the city to preach that evening in the Protestant Episcopal Church. This invitation, he says, "I declined for the present." The names of none of the leaders in the Schism appear in the *Diurnal*, and when Dr. England departed on January 24, taking Father Browne with him, it is to John Dillon that he gave the task of reading the Mass prayers on Sundays until Father Browne's return.

Augusta was reached on January 25, and the two travelers were "very kindly received by the Revd. Samuel Cooper, the Pastor, a convert, and the Trustees of the Church." The following morning,

[6] *Ibid.*, p. 7.
[7] *Ibid.*, pp. 7-8.

Bishop England celebrated Mass for the happy repose of his father's soul, the day being the ninth anniversary of his death. Letters were dispatched to the leading Catholics of Darien, St. Mary's, and Jekyl Island, requesting information as to the state of religion in those communities. On Sunday, January 28, there were thirty communicants at the Mass, and Father Cooper was confirmed as pastor of the little congregation. That night the travelers set out by stage to Warrenton, where they arrived the following day at noon, and thence in a "gig," they went on to Locust Grove, which they reached at nightfall and were welcomed by the Thompsons, to the mother of whom Dr. England pays a tribute of great merit "for preserving the faith in this country." This, he says, was the first Catholic congregation in Georgia. Many Catholics from Virginia and Maryland had settled here, in the days of impoverishment after the war (1785-94), and among them were the representatives of the Semmes, Thompsons, Scotts, Hargraves, and others, descendants of the original Catholic settlers of Maryland under Calvert.

Again letters were sent to Catholics in other cities. On January 30, Dr. England wrote to John Kelly, of Fayetteville, and to Mr. Jumel, of Camden, asking for information about the religious conditions of these towns. At Locust Grove, he discovered that some of the flock were worried over the validity of Egan's baptisms, "from his careless manner of sprinkling the water on the Children," and Dr. England baptized these persons conditionally. "In the Evening" (January 30), he writes, "I gave instruction to the Negroes amongst whom I found some intelligent and well instructed." Bishop England was no doubt attracted by the charm of Locust Grove. He remained with the little flock for a week, giving instructions and preaching, hearing confessions daily in the morning and evening, and administering the Sacrament of Confirmation. It was during this pleasant visit that he drew up the rules for a society which he intended to call "The Charleston Book Society." Lewis R. Beaman, who listened to one of his open air sermons, asked for immediate baptism and the privilege was given to him, and many non-Catholics came to the eloquent bishop for advice on their religious doubts and anxieties. On February 5, he left Locust Grove for Augusta, passing again through Warrenton, where he met three Cherokees, "to whom I gave their breakfast," and showed them his ring and pec-

toral cross, so that they would be able to recognize him when he visited their village. A spell of rheumatism slackened his pastoral work for a few days, but the week spent in Augusta was filled with kindly acts, ministrations, and sermons, usually given to large crowds. After establishing the Book Society there, he left Augusta at two o'clock in the morning, and went by stage to Columbia, which he reached at sunrise. The leading Catholic, Colonel Creyon, invited the bishop and Father Browne to stay with him, and here they met Father James Wallace, who was then professor of mathematics in Columbia College.[8]

Father James Wallace was born in Kilkenny, Ireland, on March 11, 1787. He came to America and entered the Society of Jesus here, on October 10, 1807, and was one of the few priests ordained by Bishop Neale, at Georgetown (November 17, 1814). He had taught as a scholastic in the New York Literary Institute, and while there published a volume which attracted considerable attention on the *Use of the Globes and Practical Astronomy* (1812).[9] After his ordination, he was appointed professor of mathematics at Georgetown College, and in 1818 was sent by Archbishop Maréchal to Charleston, with Father Fenwick, to compose the difficulties in that congregation. He was recalled to Georgetown by the Visitor, Father Kenney, in 1820, but by this time he had accepted the post in Columbia College, and he asked for permission to leave the Society of Jesus.[10] This was finally obtained, and he remained in Columbia, until, it is said, anti-Catholic influence caused his removal. He seems not to have interested himself in the foundation of a congregation in Columbia, though he said Mass at Colonel Creyon's for a large group of Catholics, mostly Irishmen, who were then employed in building the canal. Father Wallace died on January 15, 1851, and bequeathed his estate to the founding of a male orphan asylum in Charleston. Although he lived and died in good standing, Father Wallace became so absorbed in his mathematical

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[8]*Records* (ACHS), vol. XXII, p. 266.

[9]Many bundles of Wallace's correspondence, for the most part illegible, are in the Charleston Diocesan Archives. Wallace is referred to by Maréchal in Hughes, *op. cit.*, Doc., vol. I, pt. II, p. 958.

[10]Cf. Devitt, *Clergy List of 1819* (*Records*, vol. XXII, p. 266), who says he was "dismissed from the Society of Jesus."

and astronomical studies that the work of the ministry did not appeal to him.[11]

The Diocesan Archives at Charleston contain many letters from Wallace's friends. Most of this correspondence consists of mathematical problems, or letters from Catholic parents asking about the advisability of placing their sons in Columbia College. Wallace's own letters are in this collection, but they are rough drafts and so filled with corrections and revisions that they are mostly illegible. A few letters to the Royal Astronomer at Greenwich are of interest. Wallace reports "that there is not a single observatory established in this country" (March 18, 1820). The observatory at Harvard is only an excuse for one, and until astronomical calculations are made, he does not believe that the geographical position of a single city in the United States could be accurately determined at the time. He had hopes that Georgetown University would become the centre in this science, or that the Government would set up a telescope at Washington. It would be a national benefit, and he asked the Royal Astronomer to send him the names of makers of telescopes in London and their prices.

His letters regarding his withdrawal from the Society are filled with badinage, and show that he did not take the action seriously. A letter from Father Fenwick, S.J., dated Charleston, January 19, 1821, speaks of this matter:

> Your letter has just this moment come to hand. I am glad to find you are pleased with your new situation and that things there wear a more favourable aspect as to a just and proper subordination of the students than you were given to understand. If employed only two hours a day, you are likely to find it comfortable enough. If you want money you can draw on me through the Columbia Bank for $100, payable at sight; though the Trustees have yet said nothing of what is due, nor in all probability for a considerable time yet to come, the Bishop's arrival having completely drained them, even to the trespassing (as they tell me) upon the poor miserable charity fund. No matter, the Bishop is a clever man, and knows well how to manage them. His sister will not accompany him on the Visitation as I had anticipated. She remains in town. It will be very proper for you to make such arrangements with Col. Creyon, as to give Dr. England a splendid reception at Colum-

[11] Charleston Diocesan Archives (not indexed).

bia. You will be well pleased with him, and I am sure he wishes you well. He is now in Savannah where he will fix Mr. Browne, who will remain there till Tuesday 23rd Jan., on which day he will start for Augusta and remain there till Thursday, 1st Feb. He contemplates being in Columbia a little before or after the 6th Feb. He takes with him a Directory for you. . . . Since your departure I have received another letter from your old friend Anthony Kohlmann. I am always ready to be the messenger of unwelcome news—probably it was not intended I should communicate it in the words in which it was written me. Candour, however, I think, obliges me to it:

"P.S. Mr. Wallace's fall does not surprise but cannot deeply —afflict me. An open and obstinate disobedience could not lead but to a most dismal result. May the Lord open his eyes and cause him to tremble at the sight of the awful precipice on which he is standing. It will be proper for you to write him and make him sensible to the strict obligation he is under of restoring to G. T. C. (Georgetown College) those books which he carried with him and to which he has no title whatever, not *vi Instituti nec vi contractus aut promissi aut cujuscumque alterius tituli ut non absolvitur nec remittitur peccatum nisi restituatur oblatum.*"

This is all he says about you. I should recommend to you to speak frankly to the Bishop when you see him, placing the whole subject of difference before him, beginning from Kenny downwards, or before Kenny, if you like, though that would be irrelevant(the Bishop knows Kenny well) and act according to his advice. He knows yet nothing about your affairs. Probably Kohlmann will not be long in communicating them, and it is proper you should be forehanded with him.[12]

Later (June 25, 1821) another letter from Fenwick to Wallace refers to the latter's situation vis-à-vis the Society of Jesus:

For a wonder, I have at last got a letter from you. I thought for a time that you had entirely forgotten the use of pen, ink, and paper. However, better late than never, and come when it will, a letter from you is always welcome. I have no news; things here jog on as usual. The Bishop is on his tour through N. Carolina—is at present very near Norfolk at which place he will probably stop a while and then proceed to Balto. for a day or two. I do not think he will be in Columbia before the session of the Legislature . . . My having undertaken the *Laity's Directory*, and expecting great assistance from you is an additional reason for my

[12] *Ibid.*

> wishing you were here. Accounts from Washington state that Anthony [Kohlmann] has written another book. He has sent me a prospectus wishing subscriptions. It purports to be a complete refutation of the system of Unitarianism. I fear the abilities of the author are too well known to secure any very large list of subscribers.

Father Kohlmann's letter of December 2, 1821, to Wallace places a different aspect on the case, and the Columbia College professor was asked to write to the Father General to "inform him of your present disposition towards the Society, yr. willingness to obey the orders of yr. Superiors etc." Father Wallace seems to have delayed writing to Rome, for there is a letter in the Charleston Archives from Fenwick, dated December 10, 1821, advising him to do so at once, else he might be dismissed from the Society, which action, according to one historian of the Jesuits, was finally taken. Dr. England understood Wallace's attitude and sent Father Denis Corkey to take charge of the congregation at Columbia and Chester (S. C.), under Father Wallace's direction. During his stay in Columbia, Bishop England preached in the Court House and in the College Chapel. On February 21, 1821, he was back again in Charleston, having practically visited all the important Catholic centres in his diocese, south and west of the episcopal city.

Bishop England began a course of Lenten Lectures and prepared a *Pastoral Letter on the observance of Lent*, which he published on March 6, 1821, one of the few of his Pastorals which has come down to us.[13] There is a note also in the *Diurnal*, under date of March 2, that he was writing an *English Catechism*, and we are told that in the last week of Lent the little book, "which I had much labor in compiling from various authors, and adding several parts which I considered necessary to be explicitly dwelt upon under the peculiar circumstances of my diocese," was printed and given to his flock.

A fascinating chapter might be written on the history of the Penny Catechism, since it has had such an important place in the religious formation of our children after the Protestant Revolt in the sixteenth century.[14] The first Catechism in English after

[13] *Works* (Reynolds), vol. IV, pp. 235-242.

[14] Cf. Twiney, *History of the Penny Catechism in England*, article in the *Oscotian*, vol. II, no. 2; *Catholic Encyclopedia*, article *Christian Doctrine;*

the cleavage was that of Father Lawrence Vaux (1519-1585), *A Catechisme or a Christian Doctrine necessarie for Children and Ignorante People,* published at Louvain, in 1567.[15] Several other Catechisms appeared from the pens of English Catholic refugee priests, but Vaux' little book kept its popularity until 1649, when Father Henry Tuberville printed at Douai his *Abridgement of Christian Doctrine . . . . Catechistically explained by way of question and answer.*[16] This became known popularly as the *Doway Catechism,* and it remained in vogue until Bishop Challoner's *Abridgement of the Christian Doctrine* appeared in 1772.[17] Other important Catechisms appeared about this time, the Catechism of the Archbishop of Cashel, Dr. Butler (1775), Bishop Hay's *Sincere Christian* (1781), *Devout Christian Instructed* (1783), and *The Pious Christian* (1784).

The early missioners in the English colonies used these Catechisms. The first Catechism printed in the United States is one edited by Father Molyneux, at Boston, in 1785. It was a spelling primer "with a Catholic Catechism annexed." What is probably a reprint of Butler's *Catechism* was issued in New York in 1788. A reprint of Bishop Hay's *Catechism* appeared in Baltimore, in 1798, with Dr. Carroll's approval. Several other editions followed (1800, 1803, 1809), and the *Short Abridgement,* as it was called, was in general use until about 1821, when Bishop England decided to publish a *Catechism* for his own diocese. Owing to "peculiar circumstances", he added a question and answer on religious toleration. Both Bishop David and Bishop Conwell criticized him to Maréchal for bringing out the new Catechism. No copy of the England Catechism was found, and it is surmised that it was not successful.

From February 21, to May 8, 1821, Bishop England remained in Charleston. On February 19, Father Fenwick had written to Archbishop Maréchal giving him a report on the conditions in Charleston at that date.

Finotti, *Bibl. Cath. Amer.,* pp. 78-83. Burton gives the history of the Catechism in his *Life and Times of Bishop Challoner,* vol. II, pp. 159-162.

[15]Cf. Gillow *Bibliog. Dictionary of the English Catholics,* vol. V, p. 566. Vaux' *Catechisme* was reprinted with an historical introduction by Thomas Graves Law, in 1885.

[16]Cf. Gillow, *op. cit.,* vol. IV, p. 560; *Tablet* (London), vol. LXVII, p. 419.

[17]Burton, *ut supra,* vol. II, p. 159.

Most Revd. Sir:

I do not know whether I ever acknowledged the receipt of your Grace's last favour. I could not however act upon the contents of it in consequence of the arrival of Dr. England which happened before it came to hand. I forwarded to your Grace, as requested, the Bulls, or rather a copy of them of that Gentleman, but I fear you could scarcely make them out, the writing was so bad from my being at the moment so pressed for time. Dr. England is now absent from Charleston and has been absent for these five weeks past, making the tour of and a visit of his diocese. We expect him home in the course of this week. The day after his inauguration I tended him my papers and requested his permission to return immediately to the North. He would neither accept them nor consent to my departure, stating that he would deem it a very hard case that I should think of leaving him, a perfect stranger in the country, so abruptly, and that before he could possibly obtain a correct view of the situation in which he stood. I then, feeling the justice of his remark, and thinking that to act otherwise would deservedly cause censure on me, consented to remain three months longer, or till Easter. The matter rests so.

On his departure from Charleston he left me as Vicar-General, took Mr. Browne with him to Savannah where he has stationed him. This was a sore removal to that gentleman, for he had been working these five years past with a view to his being stationed in Charleston. Iniquity then so far has not been rewarded. This removal is indeed a great blessing to Charleston; it breaks up much intriguing. Dr. Gallagher he has left in Charleston without specially designating him to any particular charge. His intention is that he should remain here as an auxiliary thinking that he will do better near him. The young clergyman that came with him (Mr. Corkery) he has left with me. Such is the state of things since the arrival of the Bishop. The first advice I gave him on his arrival was to set about immediately building a new church which should be deeded to himself and where he may be independent of trustees. This measure pleases him and is likely to be carried into effect, though the present trustees will offer it every opposition in their power. They cannot bear to see even a Bishop independent of their interference. *Base Miscreants!* To retard the building of the new church during the absence of the Bishop, they are now going about endeavouring to raise money to enlarge their miserable hovel of a church, thinking thereby to prevent it by doing

away with the necessity of the other. But I trust their attempt will prove abortive. They have played their game long enough. The Bishop is a sensible man; his chief talent is preaching, and if he displays firmness in carrying this one measure through, Christianity will flourish in Carolina; but if he yield by a temporary policy to the selfish views of the trustees and abandons the project of the new church, from that moment he becomes a slave and will experience trouble. He will be totally dependent on them for every act and almost accountable to them for every act.

I have thought it proper to give your Grace a little insight in the state of affairs here and hope it will not be unacceptable though you may not at present be immediately interested.[18]

A few days after his return to Charleston, Bishop England received a request from the Vestry asking for his consent to the enlargement of the church "on a plan which they prepared". Dr. England answered at once that he had decided to build a Cathedral, but that they had his sanction for any alterations they proposed in the little church.[19]

There is a quaint little letter (dated April 11) in the Archives from William Blain, a Charleston boy, eleven years old, who assured the Bishop that it is his "intention to continue in the profession of the Roman Catholic Religion, being convinced that it is the best religion", and stating that he intends to become a priest. He signs himself "Your affectionate friend until Death".

On April 14, Dr. England wrote his first *Status Diœceseos* to the Sacred Congregation.[20] He relates the events of his journey to America and of his reception in Charleston, and states that he received cordial letters from all the members of the American hierarchy in reply to his own (*perbenignas responsiones ex omnibus accepi*). Before leaving Ireland, he had obtained letters of introduction to the prominent citizens of Charleston. and there had been a pleasant exchange of visits and courtesies between them. The Visitation is then described, and there is a poignant line or two about an Irishman, one of the magistrates in Savannah, who, when his son was dying and imploring the Sacraments to comfort him, anointed him with holy water as the priest would do with

[18]BCA, Case 16—P32.
[19]BCA, Case 16-P33.
[20]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 7, fol. 394.

holy oils, and who, believing that he had committed a sacrilege, threw himself at the feet of the Bishop begging absolution—"*a lacrymis temperare non potui*", writes Dr. England. He gives us also a note about the unfortunate Egan: non-Catholics in general thought him insane. A kind word is said about Father Wallace, and the interesting fact is mentioned that the Columbia College boys (with not a single Catholic amongst them), sent a committee to the bishop, asking him to preach in the College chapel.

Everywhere the bishop travelled, he was waited upon by mayors and the principal men of the cities who assured him of their happiness in seeing their Catholic fellow-citizens organized in the Roman Catholic system. Charleston, with 35,000 inhabitants, had a colored population of 20,000. He did not know how many Catholics there were in the city, but he had been assured by Father Fenwick that the number was around 1,000. From his own observation he estimated the Catholics at twice that number. The *Lenten Pastoral* was well received by Catholics and non-Catholics, and he believed that a Catechism specially adapted to the minds of the people of the city would also be welcomed. He had instituted a Catholic Book Society for the purpose of disseminating in the public library and elsewhere good books on the Faith. After Easter, he intended continuing his Visitation in North Carolina, and would go first to those places, from whose citizens he had received letters, where there were neither priests nor churches. He was determined to preach wherever he had the opportunity. One problem occupied his mind very much at the time, the method in vogue of supporting the church, "*regimen ecclesiasticum non in pastoribus sed in populo fuit*". He then describes the trustee system, and points out that the root of its evil was the assumption on the part of the vestrymen that they had the right to elect and to dismiss their pastors. Even the bishop was considered by the trustees as in some way responsible to them. Among the Charleston trustees, only one had received the Sacraments for many years; many were known publicly as Freemasons and on the monuments of others, buried around the church, might be seen Masonic emblems. "*Ni fallor*, he writes, *huic offensioni mederi possum, sed patientia opus erit et prudentia*". He intended building a new church—his Cathedral—and to depend on the voluntary offerings of the faithful, but

he would go slowly with the project lest he awaken the animosity of the *canes rabidos*. Finally, he asks for a definition of "Georgia" in the Bull of erection for his diocese; whether it meant the State or the region which formerly went under that name. Dr. England computes the inhabitants of his diocese as about 2,000,000, of which about 800,000 were colored. Of these two millions, he counts in the three States about 5,000 Catholics. Then follows a clergy list:

Charleston .....Father Fenwick, S.J.,; Dr. Gallagher;
Savannah .....Father Robert Browne;
Augusta .....Father Samuel S. Cooper;
Columbia .....Father Denis Corkery.

Father Fenwick would soon be recalled to Maryland. Dr. Gallagher was "an old man to whom no duty can be committed," and so Dr. England was practically alone in the two Carolinas. He expected Father Thomas O'Keeffe, of Cork, to come soon to his aid. He then asks that Father James Wallace be absolved of his simple vows in the Society of Jesus so that he might be constituted a priest of the Charleston Diocese, and Dr. England urged the concession because he had in view the founding of a Diocesan Seminary where Wallace would be placed as Rector. He had about ten young men ready to begin their studies.[21]

On May 8, 1821, he began the northern Visitation, leaving Charleston for Wilmington, North Carolina, where he arrived on May 15, and was waited upon by Mr. I. O. Calharda, a Portuguese merchant who had resided there for thirty years. No priest had ever ministered to the little flock of the city ("about 20 men, not a woman or child of the Catholic Faith"), except a Father Burke who had spent a fortnight there about twenty-five years before (1796), and a Jesuit on his way to Florida, in 1807. The Catholics in the place "were in the habit of going to other places of worship [Episcopal-Protestant, Methodist and Presbyterian] and had nearly lost all idea of Catholicity". Dr. England advised them to begin at once the building of a church and promised to send them a priest occasionally. He received an invitation "from the Pastor and Trustees of the Presbyterian Church to use their building (the best in town)", and he accepted their generous offer. The Episco-

[21]Printed in the *Records* (ACHS), vol. XVIII, p. 367.

palian minister also called upon him and offered the use of his church. That evening, he preached on the nature of the Catholic religion to a large audience. For several days, he remained in Wilmington, preaching each evening in the Presbyterian Church, gathering the Catholics about him, appointing some of the men to read the Mass prayers on Sundays there and at Beaufort and Cosashatchie, and directing the first subscriptions for the church. Some converts were made, and when he announced his departure for May 21, a committee of Protestant gentlemen called and asked him to preach twice on the day before. Thus, as he justly says, "there was created in Wilmington a spirit of enquiry, and the prejudices which were very general against Catholicity were removed". Before leaving Wilmington he addressed what is probably the first letter in his correspondence with Judge William Gaston:

Wilmington (N. C.), May 17, 1821.

My Dr. Sir.

I had hoped ere now to have had the pleasure of seeing you in Newbern, but the body can not travel as quickly as the mind. I was not able to leave Charleston as early as I intended & I have been dragged but slowly on by my horses. I arrived here on Tuesday evening,—& have already nearly organized the small flock of this place. I leave this, with God's help, on Monday morning, & stop on Tuesday at South Washington, where I have some little duty to perform—& unless any unforeseen obstacle should arise I shall set off for Newbern on Wednesday morning where I expect to arrive on Thursday or Friday—& shall enquire for you upon my arrival.

My object is, in the first place, to afford to my flock an opportunity of receiving the Holy Sacraments of Penance, Eucharist, Confirmation & Baptism. Next, to organize them into congregations, so that even when there is no clergyman they may assemble together on the Lord's day and have appropriate prayers read by some person whom I shall authorize for the purpose, & have instruction by means of proper books which shall be read,—& the Catechism taught to the ignorant. Thus I shall know the numbers whom I have to provide for, & some progress will be made towards the establishment of religion. —With respect to Newbern, I should be happy immediately to place a clergyman in charge of the congregation there and in North Washington, but I have met a variety of disappointments which will prevent my wish and yours being

immediately gratified. However, God will, I trust, enable me very soon to provide for this portion of my flock—I have made several applications to which I have as yet received no answer. —I should hope that I will receive a favourable answer from some quarter.

Another object of my visit is to explain the principles of our Faith and their foundation to strangers who may be desirous of learning them. I have for this purpose been here obliged to act in a way which if possible I would rather avoid, to preach in the Presbyterian Church, but I had no other place except the Episcopal, which was also offered to me . . . . Will you be good enough to consider what would be most prudent for me to do in Newbern? In Columbia (S. C.) I occupied the court house . . . . I trust the Catholics will be prepared to make their applications for the Sacraments on Friday—so as to enable me to administer them on Sunday, if possible,—if not, then at least on Ascension Thursday.

Believe me to remain Dr. Sr. with great esteem,

Your obdt & very humble servant,

✠JOHN, *Bishop of Charleston.*[22]

He lists at Wilmington and at South Washington, North Carolina, many who had fallen away from the Faith, but his reception by the Catholics (mostly women) in Newbern, where Judge Gaston lived, cheered him. Father Nicholas Kearney, the pastor at Norfolk and Portsmouth, Virginia, visited the Catholics of North Carolina several times between 1818 and 1820, his last visit being in November, 1820. Confessions were heard each day of Dr. England's stay at the Gastons' (May 24-June 4), instructions were given, some converts were received, invalid marriages reconciled with the laws of the Church, and every evening a sermon was preached by the indefatigable bishop. He "was informed that great numbers of the most respectable inhabitants were convinced of the truth of the Catholic religion, and well disposed to become members thereof".

On June 4, Bishop England departed for North Washington, which Father Kearney had visited in December, 1820, and found the Catholics "few and neglected". Here he preached in the court house on nine successive evenings, while "the Baptist and Methodist leaders were drawing off the hearers to the best of their power".

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[22] *Records* (ACHS), vol. XVIII, p. 371.

His letters to Judge Gaston (June 6, 13) from Washington show his method of following up all the unfinished work he was obliged to leave behind him. As an example of his progress the following excerpt is characteristic:

> I have to return you particular thanks for your kind letters —finding that there is a Roman Catholic at Plymouth, I shall take that opportunity of making truth known there, & shall probably stop at Edenton for a few days. My friend Mr. Leroy will inform you of what has been done here, it has gone beyond my expectations, thank God. I shall leave this place with eight or ten additional Catholics, besides a few black children baptized upon the promise of the owner that they should be sent to the Catholic congregation for instruction, a great number who have not courage to join us, perfectly convinced of the truth of our religion, & the book society established, the congregation formed, the commencement of a subscription for building a church, and two Catechism classes formed, one for whites and one for blacks— I forgot to do this in Newbern; besides Mrs. Neal's child there are the children of Chesnut and perhaps some others, and the eldest child of your servant . . . . they could be formed in one or more classes, which would perhaps receive accessions.[23]

In Plymouth he found but one known Catholic, a Doctor Picott. Here he remained until June 18, when he left for Edenton, where he was met by about ten Catholics, "French, Portuguese, and Irish, generally extremely negligent." From Edenton he wrote to Judge Gaston (June 20):

> When I left Newbern I did not calculate upon my work, now I find it grows upon me as I proceed, & three years would not enable me to go through the district which I thought too small for the occupation of three months. I spent in Plymouth Friday, Saturday & Sunday, during which I preached six times, and though no person actually joined me, the prejudices of all are removed, & many are well disposed to become Catholics,— a Doctor Picott was the only Catholic I could find, but when the obloquy had been removed, a braw young Scotch lad ycleped Alick Chisholm, came to say he had been and still was of the auld church. They have 40 subscribers for the book society, & a committee &c formed, & upon reflections I thought it better to send from this place a commission to the Doctor & Alick to read their prayers together, in hopes that a

[23] *Ibid.*, p. 374.

custom may arise, & a congregation be formed, this is more likely as there is no congregation of any sort established there.

I have met the most polite and kind attentions in consequence of your letters. I have preached yesterday & today and resume this evening. I hope to be able to go to Elizabeth on Saturday, leaving here old and young about 20 to 30 Catholics, —of all colours. I am told of but one in Elizabeth, however, there may be some Alicks there also, as there were in Plymouth & are here.

What a fine field I would have, had I one or two good assistants. However, God's will be done. He has more wisdom and zeal than I have.

Six days were spent in Edenton, where he "found it exceedingly difficult to collect or assemble the few Catholics of this place, who were negligent, ignorant, and despised by other denominations. The only one who had any appearance of worldly decency did not come near me". On June 25, he was at Elizabeth where he became ill, but managed to preach in the court house twice a day until the thirtieth when he left for Norfolk, Virginia. There he remained for over a week as the guest of Bishop Kelly.[24]

This interesting meeting between the bishops of the two episcopal cities which had so long disturbed the peace of the Church in the United States, and which had so nearly become affiliated to the Jansenist Church of Utrecht, was no doubt of mutual benefit to Dr. Kelly and Dr. England. The Bishop of Richmond was even then contemplating his action of the following year, an action which unfortunately has the appearance of desertion, but which, as we know, was the result of Maréchal's stand on the dismemberment of his diocese. With all the good will possible, Dr. Kelly had not succeeded in pacifying the factions of the city. Dr. England was working out his plan of a Constitution for the Diocese of Charleston, and must have submitted the project to his compatriot. We have no documentary evidence for their many talks

[24]Father Lucas wrote to Maréchal from Norfolk, July 5, 1823, stating that Dr. England was leaving that day for Baltimore (BCA—Case 16—J6.) His sister, Joanna, was remaining in Norfolk. Lucas informs the Archbishop that Bishop England had given expression to decided prejudices against Maréchal himself, and that both Bishops had shown him, Lucas, scant courtesy because of his loyalty to the Archbishop (BCA—Case 18—J58—letter marked by Maréchal "secret").

and walks in the charming Virginia seaport town; but, from one letter, written by Dr. England to Maréchal, and dated Norfolk, June 6, 1821, it may not be amiss to conclude that both bishops saw only one way out of the disorder in the American Church—a "Council Provincial", as Maréchal writes on the back of the letter.[25]

Dr. England left Norfolk on July 12, and travelled through Murfreesborough, Halifax, Warrenton, and Louisburg, arriving at Raleigh on July 17, where he was kindly received by Judge Taylor, a brother-in-law to Judge Gaston of Newbern. The following morning he was waited upon by the Intendant and a Committee of citizens, who invited him to preach in the Presbyterian Church that evening. He did so, before "a very large and respectable Congregation amongst whom were the Governor of the State and the Judges of the Supreme Court." On the twenty-second he assembled the Catholics of Raleigh and of the vicinity and read prayers for them in the Presbyterian Church. From Raleigh, on July 21, he wrote to Maréchal regarding the reprint of the English Missal:

> Upon my arrival here I found a letter from Mr. Creagh of New York, who is to reprint the English Missal with a preface which I have nearly written, he says your Grace was anxious to know what changes I intended making in the Liturgy. This and many minor topics I was anxious to have the advice of my brethren upon when I requested your Grace to call the Synod. But not having that opportunity, I was thrown to act altogether upon my own judgment. Of course I can make *no change* in the Liturgy, except having Archbishop Carroll's excellent form of prayer for the President etc. prefixed to the book, instead of the prayer for the King which is in the English edition, and omitting several masses of peculiar feasts in Ireland and England which are quite useless here. I cannot meddle with the Missal.
>
> Had your Grace seen my preface you would agree with me that it would answer in the Directory. I have especially compiled it for the Missal, and flatter myself that it was and will be more useful and instructive than the usual preface which I have seen to works of the kind. I have principally taken its substance from some French works on the Liturgy and ceremonies which to me appeared to unite some very accurate criticism and solid piety; besides this I intend publishing it separately for distribution, as I find the best consequences to be the uniform result of such explanations in this country.

[25]BCA, Case 16-J7.

When your Grace wishes explanations from me, I entreat you will have the goodness to write to *me*, and I shall then better know how to give them, than when the inquiry comes through a person who may mistake your meaning and whose ignorance may create jealousies between persons who are perfectly in accord with each other.

I think the adoption of the book society will do good in your Diocess as it has in mine. Already I have branches in Wilmington, Washington, Newbern, Edenton, and Plymouth in this State, and I hope soon to have them in Elizabeth city and Murfreesborough. Besides those in South Carolina and Georgia, most of the subscribers are persons not Catholics, but they have Catholic books which they read with avidity. . . . .

I cannot close this without again stating my conviction that a Synod in which we might all encourage each other and fix upon some common rule of conduct would do great good.

My friend Mr. Gaston who is now, I suspect, in Baltimore, has read a good part of my preface to the Missal and is well qualified to give your Grace an opinion upon the subject, I remain respectfully, *etc.*[26]

During his short stay in Warrenton (July 14-16) Dr. England wrote again to Judge Gaston:

I have been thrown out of my route by the steam boat from Norfolk to Baltimore not being able to perform its voyage when I intended proceeding thither. I have been thus sent into my own Diocess sooner than my calculation, & as I see nothing in this town to detain me beyond to-morrow morning, nor anticipate any delay on the road I shall have the pleasure of seeing my friends in Raleigh on Thursday. I have been a little worn down with my *talking*, but I hope to be strong enough to resume my duties with energy in your metropolis, should opportunity offer, & from what I have since observed I am inclined to think it would be right to take a more extended view of Religion than I did at Newberne.

Some good has been done, but my mortification is indeed great when I am obliged to fly just when I ought to stay & have no person to follow up my efforts. However, God will do his own work as he pleases—& will furnish the means in good time.[27]

From Raleigh he wrote to Gaston, giving him the following incidents of the journey (July 29):

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[26] *Records* (ACHS), vol. XVIII, p. 375.
[27] *Ibid.*, pp. 376-377.

I leave this place to-morrow for Fayetteville, after having experienced the most kind attentions from Judge Taylor and his amiable family. Though I can not count any converts, I trust I have removed many prejudices & prepared the way for some future good. . . .

I have preached in the Presbyterian church on every evening since my arrival, more in detail than in Newberne, & taking notice of those points which you were kind enough to indicate, & for which I feel much obliged. I find the impression has been generally favourable. Miss Taylor has been at Communion to-day & counts it the happiest of her life. I have had seven other communicants, one Frenchman and three Irishmen & three of the female slaves of the judge. . . . A beginning has been made here. I hope God will enable us to follow it up. Patience, perseverence, prayer & system are the only means in my power,—if with them I had a few *good* priests, I should have great hopes. But if I have more labour, I shall have more hopes of my own obtaining a chance of Heaven. . . .

My sister threatens to leave me for Emmitsburgh but I trust it is but a whim which she will forget,—though I should not withhold my consent, I should feel the greatest reluctance to give it. I have the preface to the Missal nearly ready & am half inclined to go to New York for the purpose of correcting it, as I should not like to see blunders in a work of this kind —it will exceed fifty pages though I thought I should have been able to keep it within twenty.

Fayetteville was reached on July 31, and here Dr. England found his correspondence of the past few weeks. He remained in the little city until August 12, ill most of the time, but managing to preach on ten of the twelve days of his visit in the Episcopal church there. From Fayetteville he wrote to Maréchal (August 8), and as an indication of the gradual misunderstanding on Maréchal's part of practically every project of Dr. England from that period until the Archbishop's death (1828), this letter is significant:

Your favour of the 30th *ultimo* has just reached me after having passed through Charleston. Your Grace's statement concerning Mr. Creagh is greatly at variance with what had been impressed upon my mind, but I can have no hesitation in acceding to what the Archbishop of Baltimore testifies. Your Grace's astonishment at finding your name at the head of the prospectus was not greater than mine at seeing yours and that of the Bishops generally, when I knew he had no opportunity whatever of having obtained this sanction from the time he

undertook the work which was previous to my entering upon the Visitation of the State. I knew he was *not* a Catholic, but I did *not* know that Mr. Dornin was about to print the Missal, neither did I know that your Grace intended or wished for it. I did pledge myself to Mr. Creagh to give him the copy and feeling myself bound by that promise, whatever his conduct to your Grace might have been, I feel myself bound to fulfill it. This need not prevent Mr. Dornin's publication also. Possibly they both will sell. With Creagh's prospectus I have nothing to do: With my promise, everything. I trust you will not consider me a party to any rudeness he might have been guilty of toward your Grace, nor countenancing it by doing what I promised to perform.

I also flatter myself that when your Grace comes to know me better than you do, you will, notwithstanding the awful office committed to you by the Church, have the same reliance upon me that I have in you. For indeed if I were informed that your Grace was editing any work, though I am not a simple priest, I would have sufficient reliance upon your Grace's piety and abilities and orthodoxy most cheerfully and unhesitatingly to put my name thereto and encourage it, and thus to show that we were brethren; but perhaps a day may come when the American Archbishop would place the same confidence in an American Bishop that Irish Archbishops and Bishops did in an Irish Priest.

The whole story that Creagh told your Grace about the Presbyterian Clergymen in Charleston is a fabrication from beginning to end, at least I know nothing of any such controversy as that alluded to. It is true that a Methodist preacher inveighed against me, and published a scandalous pamphlet against our holy religion but I never took notice of it, and I should be sorry to affix to a standard work, like a Missal, an ephemeral vindication against such a reptile. When your Grace shall read the explanations which I have written, you will, I trust, find that they are not of the description you have been led to imagine. Were they of such a character the remarks made by your Grace would fairly and justly apply, but the fact has been misstated to your Grace. And reasoning to conclusions, allow me to say that although no article of Faith was called in question, a variety of topics like them may come before a Provincial Council and well engage their attention, and enable them to co-operate with united strength and fraternal affection.

Your Grace will perceive from these hasty remarks that although I must consider Creagh's conduct, as stated by your

> Grace, still I can not avoid letting him have my manuscript. Indeed I was anxious to consult your Grace and my other brethren upon the propriety of some other publications which I contemplate as I finish this.[28]

August 18 saw Dr. England back in Norfolk, for the purpose of taking the boat to Baltimore. But that night he fell ill with a fever and was detained at Bishop Kelly's house until August 30, when he left for Baltimore, arriving in that city the following day. He called upon the Archbishop and "many of my other friends," and that same evening left for Philadelphia, where he found upon arrival (September 1) Father Cooper, whom he had last seen in Augusta. The incidents of his stay in Philadelphia, New York and Trenton (September 1—October 22, 1821) can be passed over here with the statement that, when he finally set out again from Philadelphia for Baltimore, he had become not only involved in the troubles afflicting those two dioceses but also suspected by Bishops Conwell and Connolly of being out of sympathy with their methods of bringing order into the Church of these episcopal cities.[29]

It was from New York that Dr. England wrote to Archbishop Troy (October 9, 1821) his strong appeal to that prelate to save the Church in America from the evils that were prevalent. "You are known," he says, "you have weight and for God's sake obtain for America something like discipline and order, & you will deserve the blessings of millions."[30]

Archbishop Maréchal was absent when Dr. England reached Baltimore (October 23), having sailed from New York on October 14, for Rome.[31] There were several problems which the Metropolitan of Baltimore felt should be presented personally at Rome: the establishment of a Cathedral Chapter at Baltimore; the rules for episcopal nominations in the American Sees; the suppression of the Diocese of Richmond; the intricate question of the Jesuit property rights; and regulations regarding the admission of priests into American Dioceses.[32]

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[28]BCA—Case 16—J8. Maréchal's comment on the back of this striking letter is the single word "warm."
[29]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 7, f. 14.
[30]*Records* (ACHS), vol. XVIII, p. 378.
[31]*Ibid.*, p. 379.
[32]*Ibid.*

Another letter from Bishop England to Judge Gaston, dated Baltimore, October 25, 1821, deserves to be cited here:

> You are probably astonished at my long silence, but I was greatly occupied and had nothing to communicate. The preface to the Missal instead of 20 is about 100 pages, & the arrangement of the book cost me great trouble,—it is but 10 days since I have got it out of my hands, & I have been obliged to study intensely. I have endeavoured to heal the wounds of Philadelphia, but a worse case I have never met. . . . Hogan is without faith, principle, or information, habituated to sacrilege & supported by envenomed anti-Catholics under the disguise of the Catholic name, yet I had at one moment nearly succeeded in destroying the schism though at an immense personal sacrifice. But, the evil had been suffered to rest too long, & the case is now hopeless. Thus I have not had a moment unoccupied—indeed the mental exertion & disappointments I have had were very great. I have succeeded in getting some Priests,—& making preparations for attempting a permanent establishment in Charleston. You may expect to have Newberne supplied before Christmas. I have also got Carey to prepare for publication the Douay Bible,—and collected materials for other works to which I must now turn as I have got up the Missal.

After visiting Georgetown and Washington, D. C., where he called upon President Monroe and John Quincy Adams, then Secretary of State, he left Baltimore by the steamboat (November 5), and arrived at Norfolk the following day. The return journey to Charleston, through the cities he had already visited, Edenton, Washington, Newbern, Wilmington, and Georgetown (South Carolina), was not a pleasant one. Yellow fever had again made its dire appearance in the towns along the coast, and everywhere he saw the fearful havoc it was making. Washington was "a desert." Edenton was deserted. At Georgetown (November 22), he fell ill with the fever, "in which my life was nearly lost," and he was prepared for death by Father O'Hannan, who was with him at the time.[33] On the way back from New York to Charleston, Dr. England secured the services of two priests, Fathers Henry Doyle and John Twomy, whom he asked to come to Charleston as teachers in the Seminary he was then planning.

On December 5, Bishop England called together the priests who were in Charleston, Fathers Fenwick, Browne, Twomy, O'Hannan,

[33] *Ibid.*

O'Donoghue, and McCarthy, and opened the first Priests' Retreat in the history of the diocese. The Retreat ended with a Solemn Mass of Requiem for the happy repose of the soul of Father Corkery. Father Denis Corkery had passed away at Augusta, in September, 1821, after a short illness,[34] and Father O'Donoghue was sent to take his place.

What is apparently a brief summary of the first year's progress is given in the *Diurnal* on December 30, 1821:

> The Book Society had been but imperfectly established—scarcely anything had been done to carry the object of it into effect, little had been collected for the new church or for the purchase of the ground, great prejudices against Catholics prevailed and considerable jealousy was manifested by the Sectarians at the efforts which had been made to get forward, and a number of Infidels who had been born of Catholic parents, but who had lost their faith, joined with some foolish, ignorant, but not irreligious Catholics, to oppose efforts made to repeal the anti-Catholic charter of the Church and regulate the power of Vestries.[35]

The net result of this first Visitation which had practically taken the whole year (1821) is summarized by Shea as follows:

> Bishop England had traversed the three States forming his diocese, visited every place where a congregation had been formed, and some where no priest apparently had ever labored. He had met his metropolitan and three bishops of the province in their respective sees, and could form a general idea of the conditions of the Church in the United States. The wants of his own diocese were apparent. A few Catholics in petty bodies, scattered over three large States, many losing their faith through neglect and sinking into indifference; priests few, and no certain means of providing for a supply to the different stations, where they were imperatively needed. The able Father Fenwick was about to be recalled; Rev. S. S. Cooper had asked not to return; Corkery was dead; O'Hannan and Twomy, whom he had received into the diocese, soon left him. Gallagher and Browne had succeeded in their schemes at Rome, but they had not expected a bishop of the stamp of Dr. England, who soon saw their real character, but acted with singular prudence and caution. Gallagher would do no real duty, but was importunate in his demands for money, wringing a large

[34]An obituary notice of Father Corkery appeared in the *Miscellany*, vol. IV, p. 319.

[35]Page 43.

salary from the Bishop until he at last asked for his *Exeat;* and Browne, wearied of labouring under the eye of a vigilant Bishop, asked to be relieved on the score of illness, and calling his friends together went off with a series of laudatory resolutions.[36]

The appearance of the *Roman Missal* which Dr. England published in New York sometime during the summer of 1822 caused a flurry in the ecclesiastical circles of Rome for a time. It was not understood at first that it was to be a reprint; the Sacred Congregation had heard that it was to be a translation.

On February 2, 1822, Propaganda expressed to Archbishop Troy its surprise that England was contemplating the translation of the Missal, since such versions were forbidden. Dr. Troy related this fact to Bishop England, who then wrote to Cardinal Fontana (May 2, 1822) that he failed to see where he had violated any ruling of the Holy See, since he had merely reprinted the Missal in use for many years in England and Ireland already, and there were many copies in the United States of these British versions. Father Tessier, S.S., had read the preface and the long *Explanation on the Mass* which Dr. England had written as an introduction to the reprint, and had commended both. The *Explanation* was not an original essay, but was compiled from Bellarmine, Bossuet, Gavant, Le Brun and other authors.[37] Moreover, he had submitted this *Explanation* to the Bishops of Richmond, New York, and Boston, who had approved of it. Dr. England did not submit his manuscript to the Archbishop, because he knew how Maréchal regarded him. Fontana is then told that in the United States there were many corrupted versions of the Sacred Scriptures, and that these were being used by the Catholics. Dr. England had the intention of reprinting the Douay Version. *"Quid faciendum?"* The press rules everything in the United States; out of the thousand newspapers of the land, five hundred at least direct their shafts at the Catholic Faith. For this reason he intended very shortly

[36] *Op. cit.*, vol. III, p. 315.

[37] The *Explanation* consists of short paragraphs on the liturgy of the Mass, the symbolic meaning of the altar, the linen, the vestments, incense, the colours used at various seasons and feasts, major Orders and the vestments worn at Mass, the use of Latin in the Mass, the different parts of the Mass, Plain Chant and the history of the Canon.

to begin the publication of a weekly newspaper of eight pages for the dissemination of Catholic truth. In case Cardinal Fontana wished him to refrain from using the power of the press for the sake of the Church, he would submit and never write again —"*liberavi animam meam: vos videritis!*" Dr. England was beginning to feel the effect of the secret opposition of Maréchal and some of the other bishops to his projects, and if it would ease the minds of his colleagues, Cardinal Fontana was informed that his resignation was at his disposal.

> I bear witness [Dr. England says at the end of his sturdy letter], that my judgment on the matter of reaching our people by the printed page is unassailable, and it is the common opinion that publications of this kind are not only useful but necessary. However, I bow to your judgment—it will be for you, not for me, to render an account to God for this vineyard. You know the Faith and the laws of the Church, see also I beg of you, and humbly but confidently warn you, see whether you know our people here, or the principles of our Government, or even the condition of the Church here. If so, from whom did you learn them—*vestrum est videre!*[38]

The *Explanation* (120 pp.) was finished in October, 1821, and had obliged him, as he tells Judge Gaston, to study intensely.

> The compiler had laboured under many disadvantages, from the situation in which he had been placed, occupied in visiting his diocese, and without books to which he might refer, during a considerable portion of the time in which this dissertation had been hastily thrown together. It had not been compiled at one time but with many interruptions. For its literary faults he must be excused. He was under the impression that its doctrine was perfectly correct, but if in anything he had deviated from the form of sound words held by the Holy Roman Catholic and Apostolic Church, he was anxious immediately to correct it.[39]

All the scriptural parts of the Missal were taken from Challoner's Bible.

On August 10, 1822, after receiving Dr. England's letter, Cardinal Consalvi wrote to Archbishop Curtis of Armagh to ascertain whether the Missal in use in England and Ireland had ecclesiastical approbation, whether it was a faithful translation, and whether

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[38]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 7, ff. 15-17.
[39]*Records* (ACHS), vol. XVIII, p. 378.

its use in America would be useful or dangerous.[40] The same letter was sent to Maréchal, who was then in Paris. A curt note (dated August 24, 1822) from Propaganda told England that his letter was under consideration and would be answered later. On September 7, 1822, Maréchal answered Consalvi's letter, from Paris, stating that the English and Irish Missals were being used in America by Catholics "not without, at least apparently, spiritual profit."[41] Dr. England had scarcely arrived in Charleston before he wrote to him saying that he intended to publish an English version of the Missal, and Maréchal refused to approve the project, because such approbation should come from Rome. Whether England had published the Missal or not, he did not know. As to the translation of the Bible, there were many Protestant versions scattered throughout the United States, but Catholics did not use them. The Douay version was so good that Maréchal saw no necessity for a new translation by Dr. England—"and, in order that I may frankly open my mind to the Sacred Congregation on an important matter such as this, I cannot refrain from stating that while Dr. England had indeed sufficient knowledge to carry out his episcopal functions with profit, I doubt whether he possesses sufficient theological and biblical knowledge to undertake without grave danger a version of the New Testament. Hence he ought to be prevented from attempting so difficult a work."[42] Archbishop Curtis replied (September 8, 1822) that he saw no difficulty in the case, providing England's Missal was uniform with the one in use in the British Isles, which had been printed with the tacit approval of the bishops there. As to the proposed translation of the New Testament, he saw no necessity for it, since both the Douay and Challoner Versions were adequate enough for English-speaking countries.

> I have often heard [Curtis writes], that Dr. England is a man of the keenest intellect and piety and a man of great zeal, but that he lacks sacerdotal meekness, and prudence, and that in political matters he does not act with equanimity and sufficient caution. He should at least consult his metropolitan and his fellow bishops before he begins anything new, or he

[40] Prop. Arch., *Lettere*, vol. 303, f. 649.
[41] *Ibid.*, f. 665.
[42] *Ibid.*, *Amer. Cent.*, vol. 7, f. 20.

should propose his plans to the Holy See, lest he upset the Church, which must needs be administered with peace, harmony, and prudence. I do not know how he acts towards these prelates, but I have before me his letters recently printed in which he criticizes us Irish Bishops (without even a shadow of reason), and submits us to the ridicule of our people. It is your Eminence's duty to restrain these and similar acts of his impetuous temper, and to teach him at the same time not to be more wise than it behooveth to be wise, but to be wise unto sobriety.[43]

Maréchal wrote a series of short letters (September 9, 25; October 1, 1822) from Paris to Gradwell, his agent in Rome, referring to Dr. England's proposed reprint. The Archbishop was by this time assured that the Missal which had been in use for a long time in the British Isles had the approval of the British hierarchy and was therefore orthodox. It was, however, Dr. England's preface and the *Explanation* which worried him. On October 1, Bishop Poynter gave him a copy of Dr. England's Missal, and Maréchal gallantly writes that the book is excellent in every sense, and that Propaganda would make a mistake if it should suppress so useful a volume.[44] Bishop Poynter also wrote to Propaganda (Paris, September 13, 1822) saying that the use of the Missal in English had achieved many spiritual benefits in England and would do the same in America. This seems to have ended the matter, but Bishop England had to wait three years before Propaganda wrote to assure him that the secret attack upon his project had not injured him in the eyes of the Holy See.

A graphic summary of the condition of the Church in the Metropolitan Province of Baltimore at the close of the year 1821 reveals the excellent progress made under Archbishop Maréchal and his suffragans. It was probably drawn up for the archbishop sometime before his departure, October 14, 1821, for presentation to the Sacred College at Rome (where Maréchal arrived early in January, 1822). This will explain the absence of information on the vast diocese of Cincinnati, which had been erected June 19, 1821. There were eight dioceses in the American province and nine bishops. The number of priests is given as 117, and the total

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[43] *Ibid.*, f. 23.
[44] *Ibid.*, f. 28.

number of churches as 100. The pupils in the Catholic colleges and seminaries were 423. There were 208 nuns in six convents, and, outside of Philadelphia and New York, the word *Pax* was written across the threshold of the Church there.[45]

Dr. England's first project of the New Year (1822) was that of the Diocesan Seminary, which he opened on January 8. The object of this academy or college "was by its profits to assist in paying for the purchase of the ground, the building of a Cathedral, and Seminary, and the education of Candidates for Holy Orders." The announcement of the "Philosophical and Classical Seminary of Charleston" which appeared in the first number of the *Miscellany* (June 5, 1822) and which is seldom absent from its pages, tells us that there were five "Courses" in the school—English, Belles-Lettres, Classics, Mathematics, and Philosophy. The cost of the courses ran from twelve to twenty-five dollars a quarter, and there was an entrance fee of five dollars. "No pupil's name will be registered, until, in the presence of one of the Principals of the Seminary, and of his Parent or Guardian, he shall make and sign a declaration and pledge, to observe the rules of the Seminary, and to conduct himself therein like a Gentleman."[46] The history of the Seminary belongs to a period later than the one we are here treating.

The second project is an echo of the old trustees troubles prior to Dr. England's arrival in Charleston. He realized that nothing could be done with the wearisome question of the ownership of St. Mary's Church, in Hasell Street. "It is folly," he wrote, "to attempt raising the edifice of Catholicity upon Calvinistic foundations." He decided to build a Cathedral, and on January 30, 1822, he called a meeting of the Catholics of the city and explained in unmistakable language his stand on the *trusteemania* which still existed in Charleston. The record of the meeting tells us that he gave to his audience an historical retrospect of the Charleston Schism, of the "several usurpations of the former Vestrymen in opposition to Canon Law, and to the words of the Charter, also of the opposition of the Charter to the principles of the Roman Catholic Church, and of the impropriety as well as of the illegality of

[45]Hughes, *op. cit.*, Doc., vol. I, pt. II, p. 959.
[46]*Miscellany*, vol. I, p. 25.

several of their By-laws upon which they abrogated all the By-laws." He then appointed a Committee to frame new laws for St. Mary's and to change everything in the Charter "inconsistent with the principles of Catholicity."[47] In March, Bishop England "discovered that the Vestry of Hazell Street were not likely to make good rules for the Church, nor disposed to give up their uncanonical claims." The *impasse* thus created lasted until the following September, when he served notice on the trustees that their church would be abandoned by himself and his priests, unless they obeyed his decision.

> The great majority of the Congregation was favourable to the change, and well disposed, but a few Infidels, who had been Catholics, and ignorant and peevish dupes, were opposed thereto. A committee was appointed to draft new rules for the purpose of endeavouring to reconcile differences. Upon this committee were some well-disposed men, and some ignorant, and irreligious and Infidel members. The rules were worse than the former. I therefore gave up all hopes of bringing the Church to be useful, and determined to Interdict it as soon as my lease should expire, of which I gave notice to the Vestry and the Congregation at large—and thenceforth determined to avoid any attempt to change the Charter of Rules, as I feared such attempts would only produce irritation. I had also greatly to exert myself to preserve peace in the Congregation, which was broken evidently into two parties, Catholics and Infidels, which latter were joined by some weak Catholics.[48]

On October 11 and November 6, 1822, other meetings were held by Dr. England for the purpose of terminating the situation, but he found the trustees unwilling to make peace, and the old crisis of Interdict was present in the city. The trustees presented a bill to the South Carolina Legislature, in December, against any attempt on Dr. England's part to alter the Charter of St. Mary's, and this fact no doubt took him to Columbia, for we find him preaching in the House of Representatives (December 8) "at the request of the Legislature." St. Mary's ceased to be the Cathedral Church, and the bishop abandoned the rectory and took up his residence in a dwelling house near the temporary chapel he had begun (January 28) in Broad Street. By this time Dr. England had succeeded in bringing all other church properties in the diocese under his

[47] *Records* (ACHS), vol. XVIII, p. 385.
[48] *Diurnal*, p. 50.

own control, and eventually, in 1824, St. Mary's trustees capitulated, and the evil of lay domination was extinct.[49]

A third project, always a pressing one, was the supply of the clergy. In February, 1822, he gave minor orders to a young man who was destined to fill a prominent place in the diocese, Rev. John Bermingham. On February 16, he received into the diocese Father Henry Doyle. In April, Father Twomy left Charleston for London, and on May 19, Father Fenwick, S.J., was recalled to Georgetown College. Father Gallagher remained indolent until August 25, 1822, when he asked to be appointed to St. Augustine, Florida, over the eastern portion of which Dr. England had been placed as Vicar-General by the Bishop of Havana. Father Doyle's conduct caused his dismissal in August, and that same month Father O'Hannan suddenly decided to leave. On October 10, there arrived at Charleston a priest who was to win an enviable reputation for missionary zeal in the Southland and later in Australia, Father John McEncroe. A month later, as Dr. England writes:

> the Revd. S. F. Gallagher resigned the jurisdiction of Florida and requested his *Exeat*, as I was not able to pay him a larger sum of money than I could afford. He frequently became troublesome, and importunate to be recognized as Parish Priest of Charleston, though when I arrived he had no situation, as he himself informed me. If he ever had a title he forfeited it in a variety of ways, and was besides perfectly useless. I offered to make his situation as comfortable as I could, frequently in the course of the year I offered to pay him $800, provided he would teach two hours daily in the Seminary, but he would bind himself to nothing. I allowed him $50 per month whilst he remained in Charleston, though I was frequently myself without a dollar from the wretched state of the income, and the bad disposition of the Infidel portion who profess to belong to the flock. I gave Revd. Dr. Gallagher his *Exeat*, continuing his jurisdiction until after the Epiphany.[50]

The second year of his episcopate in the Southland closed with a serious deficiency in the number of priests which Dr. England needed for his extensive jurisdiction. Father McEncroe was his only assistant in Charleston. Father McCarthy was in Augusta, but

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[49]Hopkins, *St. Mary's Church, Charleston, S. C.—The first Catholic Church in the original Diocese of Charleston: an Historic Sketch of the Church from its beginning to the present Time*, pp. 51. Charleston, 1898.

[50]*Diurnal*, p. 50-51.

was negligent and was later allowed to leave. Father Wallace in Columbia and Father O'Donoghue in Locust Grove were doing excellent work with their flocks, but these were few for the vineyard under Dr. England's care.

> I trust I need not apologize [he writes to Judge Gaston, September 21, 1822], for my long silence—You may yourself judge of my state when I tell you that I had to perform the entire clerical duty of this city during the summer, & to superintend a large school which I have established for the purpose of endeavouring by its profits to aid in purchasing the ground for the church & of having a school in which candidates for orders should I be so fortunate as to meet any, might be properly educated. . . . I have had to teach mathematics therein myself during the last two months, & to study algebra, of which my knowledge was never extraordinary, so as to be able to teach an advanced class,—this together with conducting the *Miscellany* left me very little time. But God has supported me & I never felt better, thanks be to Him Who gives health. I am sometimes appalled when I look at the state of destitution in which my Diocess is,—but I trust to Heaven I shall see better days. . . . I have written to Europe for clergymen, but have my fears. If I could spare time & money for six months absence, as I now know what America wants, I have no doubt I would in Ireland, wretched as it is, obtain proper clergymen & the means of bringing them out. If I could induce Mr. Fenwick to spend six months here the time would be procured—and I think I should be able to raise the sum necessary for the voyage & my support. I am thoroughly of the opinion that I must act upon this plan.[51]

His courage received its hardest blow in Father Fenwick's recall. The future Bishop of Boston was a thorough-going American, practical, willing always to see the humorous aspect of a situation, cautious, and playfully sarcastic in the presence of such exuberant enthusiasm as that possessed by Dr. England. One letter from Fenwick to Wallace (April 10, 1822), which has escaped destruction, is characteristic of Fenwick's interest in the progress of the Church in the Southland:

> *Revd. Dr. Sir,*
>
> I received yr favr. pr. Col. Creyon. News here is a scarce article. However, it is possible some items of what no longer would bear that appellation here, may not have reached your

[51] *Records* (ACHS), pp. 381-382.

ears; & accordingly shall touch upon some few articles, which, if you have already heard them, the fault is not mine; for I cannot be supposed to know what has or has not been delivered to you at Cola.

Imprimis, then, the Bp's Newspaper. Towards forwarding this, he has distributed thro' the different states a number of copies of his printed prospectus the answer & return of lot of subscribers to which, he is still expecting. The large or small number of supporters to this project will altogether determine him whether he is to proceed in the plan or drop it. As yet he cannot form even a probable conjecture. It is supposed however that he will have on the offset a sufficiency of creditable subscribers to bear at least the expense. My opinion is he ought not to proceed with it till more than what will cover the bare expense be obtained. Many will be glad to read his paper, but not all those will be willing to pay for it.

2-ly. He is now erecting at the Vauxhall Gardens a wooden church 80 by 48, which will be ready for divine service in about three weeks more. It costs only (that is to say the shell of it) 2,200Dlls. It will answer every present purpose & will do for 20 years to come. I suppose you already know that he (the Bp) has already established a school on the same lot attended by Rev. Mr. Twomy, Mr. Doyle, Mr. Birmingham who is a candidate for the Priesthood, Mr. Spring, formerly of New York, Mr. Perry & Mr. Nunan. It consists at present of 30 scholars and is likely to grow in time. The situation is at least favourable, tho' prejudices for the present retard the growth of it in some degree. This is but natural & was to be expected.

3-ly. I have no news from the North at all. Not a letter this some time back. I do not know what to think of it. I believe, however, that things go on as usual. I shall start in a month from this for that quarter, if I be alive, after which, I shall be able to transmit to you the real state of things under the new regime. I am not called; but Charleston has now so many Clergymen that my delay here longer will be quite unnecessary. I am entirely ignorant what situation I shall hereafter find. It is very probable I shall undertake nothing for a time till I look about me. Much will depend on the system pursued there and the harmony prevailing among members. I do not like bustle & shall always avoid it when I can. If I find on arriving that things are managed in the College with peace and good will I shall prefer some situation there to any other. If not, I shall put in a petition for some new mission after spending six months or a year on the Sugar-Loaf moun-

tain in company with a few fowls & pigs, a barrel or two of flour & meal, a gun, powder & shot, a dog & cat, & there cultivate a small garden. The life will be an enviable one. I wish it would suit your convenience to take a trip with me.

4-ly. This article will consist of sundries. Jim is well; that is to say, tolerably so after the conclusion of Lent & the emerging from a bad cold. Tom. Cormick as usual. The Tate family all well. I have not visited them so frequently as I did before the son got married out of the Church. It may not however be their fault. The Archbp. is gone to Rome—no news of him as yet. Dr. Kelly., Bp. of Norfolk is likely to be recalled & made Bp. of Waterford in Ireland, whose Bp. lately died. If so, that Diocese will probably be again united to the archiepiscopal See. Wonders will never cease in this world—so I think. Nothing but doing and undoing. Dr. Gallagher has been giving lectures on astronomy in Fowlers Church these three weeks past & still continues them. Entrance pr. night 1 Dollar. It is a poor concern. The poor Dr. has all his trouble for nothing. Not more than 7 or 8 persons to whom he has not given tickets, attend. He will scarcely make enough to pay the rent of the room. He lectures thrice a week. Charleston healthy tho' it be warm already. It will be a pretty piece of business here with our newly recruited Clergy, if the Y. fever should come this summer. A great many newcomers even among the lower order of people who calculate upon fixing themselves here. I dine tomorrow at Fort Johnson, if the weather be fair, with Col. Bankhead my old schoolfellow. The bp. is to be of the party. A frolick as you see! 'Tis the first I have taken since the time we went to see old Lucas who is since dead. The Bp. started for Augusta last month intending to take Cola. in on his return, but after proceeding a day's journey was obliged to put back on account of another bilious attack. He is now well, but will defer visiting any part of his Diocese until the fall. So you will have to rub thro' as you are till that period. Has any thing been done towards building a church among you? The organist has been turned out of place & a new organist engaged to succeed him, one of Illmo's sons. He is greatly vexed at it, he believes it the work of the Bp. & Dr. Lynch. But the fact is that everybody was long disgusted at his mode of playing. A propos, the Bp. would be glad if you would take any steps you might deem calculated to promote the object of his News paper in procuring subscriptions, &c. & whatever expense in advertisements or other thing you might think necessary you would contract, he will account with you for it. I hope you

have got everything quiet in the College by this time. It was stated here to have been a terrible fracas.[52]

The esteem in which Father Fenwick was held by the Catholics of Charleston can be seen in the Resolution voted at a general meeting of the Catholics of the city, with Colonel Phelon in the chair, on May 20, 1822:[53]

It having been stated to the meeting, that the Very Reverend Ben. J. Fenwick, Vicar General of the Diocese, was leaving the city,—the follow preamble and resolutions having been proposed and seconded, were unanimously adopted:

The Roman Catholics of this city and its vicinity impressed with a deep conviction of the high and meritorious character of the Very Rev. Benj. J. Fenwick, cannot refrain from this public and general expression of their gratitude for his past services, and of regret at the near approach of his departure from amongst them.

His devotion to the interest, the union, and the harmony of this flock, and active and industrious discharge of all his clerical duties, his tender care of the unfortunate sick and poor; and above all, the bright and unaffected example of true piety that his own example exhibited, have made too deep an impression to be easily forgotten. The virtues of the good man survive him when his body is withdrawn from our view; we can still rest with delight upon those qualities that distinguish him when present, and in admiring we sometimes endeavour to imitate.

Animated by the spirit of Christian devotion, this Reverend Gentleman has never deserted us; in times of sickness and danger, he has remained firm to his post, and, like the true disciple of his master, has comforted and consoled the unfortunate, and "poured oil into their wounds."

The deep regret which is felt in separating so valuable a friend is in some degree mitigated by the reflection that he will bear with him into some other society, and some more dignified station, those virtues which have made him so estimable here. His indefatigable zeal, his unwearied benevolence, his strong and nervous eloquence, will accompany him everywhere and secure to him the respect and attachment, which are the certain rewards of a virtuous life.

Therefore, *Resolved*,

I. That we look forward with the most unaffected regret to the moment that is to separate us from our beloved Pastor, the Very Rev. Ben. J. Fenwick, whose usefullness has been

[52]Charleston Diocesan Archives.

[53]The following documents will be found in the *Miscellany*, vol. 1, pp. 25-30.

long felt, not only in his immediate flock, but in the other portions of our community.

II. That it is the general wish of this meeting that the Very Reverend Gentleman be placed in a situation agreeable to his desires, and in a climate of salubrity, where his valuable life may long be preserved for the benefit of religion and the good of his fellow creatures.

III. That our Bishop be requested to transmit a copy of the above preamble and resolutions to the Very Reverend Gentleman, at a convenient opportunity.

IV. That this testimonial of respect be published in the newspapers of this place, and in the *National Intelligencer*, that our Catholic brethren in other parts of the world may understand that we know how to appreciate the character and services of the virtuous teachers of the doctrines of our holy religion.

EDM. E. PHELON, *Chairman.*

J. F. Plumeau, *Secretary.*

The following letter accompanied the above document, which was forwarded by the Bishop:

Charleston, May 23, 1822.

Reverend and Dear Sir,

The Catholics of this city have requested me to forward the accompanying document to you. I do so with very great pleasure, assuring you that the principal difficulty they appeared to labour under was that of restraining their feelings of regret at your departure.

I have also to inform you, that your brethren of the Clergy, who have had ample opportunity of being acquainted with your merits, enter more fully, if possible, than the Laity, into the spirit of this document.

No one of either class feels your loss more sensibly, more deeply regrets your departure, more highly esteems you, or is more anxious to see your sphere of usefullness extended, than, very dear sir,

Yours sincerely,
✠JOHN, *Bishop of Charleston.*

Fenwick's reply to Bishop England was as follows:

Right Rev. and Dear Sir,

The address of the Roman Catholics of the city of Charleston and its vicinity, at their meeting on Monday the 20th day of May, which you were kind enough to forward, reached me only yesterday, just after I had arrived from Frederick, where I had passed a few days with my brother. This will account for my not having acknowledged its receipt sooner.

Be pleased, dear sir, to make this known to them, and at the same time to return them my sincere thanks for the good opinion they are pleased to entertain for me and my poor exertions, whilst a resident among them, assuring them I shall never forget their kindness, and the many proofs they have given me of their affection and esteem.

I remain, with sentiments of affectionate regard,

B. J. FENWICK.

Georgetown College, D. C.
June 26, 1822.

Another project of this second year—the founding of the *United States Catholic Miscellany*—will be treated in a subsequent chapter.

There remained but one factor in the organization of the diocese, the completion of his plan for a constitutional government by means of which Dr. England hoped to settle forever the vexed question of obedience to legitimate spiritual authority in his jurisdiction and to rally about himself and his priests all the Catholic forces of the Southland. He had the happiness of seeing the fulfilment of his wishes, when on November 24, 1823, the First Convention of the Roman Catholic Church of South Carolina assembled at Charleston. It was about this very time that Archbishop Maréchal was considering the advisability of holding a Provincial Council of the American Church. Shea says that Maréchal's "declining health prevented his gathering the suffragan bishops of the province with their theologians in his cathedral."[54]

What Maréchal was unwilling to have done for the country, Dr. England decided, as we shall see, to do for the Southland. Indeed, the history of the progress made under the Constitution is actually the story of Catholicism in the Diocese of Charleston.

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[54] *Op. cit.*, vol. III, p. 88; cf. *ibid.*, vol. II, p. 408.

CHAPTER XII

The Constitution of the Diocese of Charleston (1823)

The first general survey of the Diocese of Charleston, made between January 15, 1821, and December 4, 1821, enabled Bishop England to understand the Church problems that confronted him. He had visited in Georgia: the Catholics of Savannah, Augusta, Warrenton, and Locust Grove; in South Carolina: the Catholics of Columbia, Sumter, Georgetown, Beaufort, and the vicinity of Charleston; in North Carolina: the Catholics of Washington, Wilmington, Newbern, Plymouth, Edenton, Elizabeth, Murfreesboro, Halifax, Beaufort, Louisburg, Raleigh, and Fayetteville. He had written to other places while on this first Visitation to inquire about conditions. Wherever it was possible, he organized the Catholics into groups for the purpose of meeting on Sundays to read the prayers for Mass, in the absence of a priest, and placed the few clergymen at his disposal in as advantageous a position as possible for the administration of the Sacraments to his scattered flock. Through his northern journey to New York and back (August 18—November 10, 1821), he was enabled to compare the conditions in his own diocese with those prevailing in Richmond, Baltimore, Philadelphia and New York; and the fact was apparent to him that what the Diocese of Charleston needed most was a compact system of government, administrative and financial, as well as spiritual, if it were to escape the disorders existing in the North.

He returned to Charleston in December, 1821, convinced that only disaster lay ahead of the northern dioceses unless the bishops took steps immediately to meet the trustee problem. In a letter to Archbishop Troy, dated Charleston, May 4, 1822, he gives us an insight into the conclusions he had reached regarding the state of the Church in the United States. He had met with his first setback from his brethren in the American episcopate when he announced his intention of reprinting the English edition of the Roman Missal, and he knew that letters accusing him of rashness

regarding a reprint of the Bible had reached Rome from Philadelphia and Baltimore. He told Troy that the only kindness he had received was from Bishop Cheverus whose advice he had asked regarding the Missal.

I also wrote [he says], to Cardinal Fontana stating to him the absolute necessity and beneficial consequences of those and the like publications here; mentioning those in which I was engaged and contemplated, and then stating not only the reasons, but the authority of the other bishops and clergy here, concluding with an offer to desist if he should desire it; but warning his Eminence that he must take upon his conscience the responsibility of legislating for a country of which he knew very little, and to the dispositions and customs of whose inhabitants as well as to the nature of whose institutions, he was a perfect stranger. Rome cannot remedy the evil that has been done; neither can I now write freely to the Cardinal; and I am certain that he has very wrong impressions lately made upon his mind. The Archbishop of Baltimore is now and has been for some time in Rome; his situation, his years, the length of time he has been in this country, all added to a peculiarity of manner and his presence, will operate very powerfully in his favour and give to his statements weight and authority, which it would be folly to imagine could be affected by the reports of a young man, a stranger, lately elevated to the Episcopacy, unknown, unfriended, and I have reason to believe, misrepresented in Rome.

Yet I do not hesitate to say that I have travelled through much more of the country, know more of the institutions, political and religious, and am better acquainted with the state of the churches, and of the wants and wishes and dispositions of the people, than the Archbishop. I have heard his principles canvassed by clergymen and laymen, I have seen them in operation, I have witnessed their effects, and I know what is the universal opinion of those who know him of the principles which he wishes to establish. Viewing all this, I find it would be worse than folly for me to undertake what I could not accomplish, to produce great mischief by attempting what must end in my defeat and the enmity of my brethren. Rome in appointing Bishops for this country should select men who could understand and write and preach in the language of the people, if not with elegance, at least with such correctness as not to disgust the very vulgar; men who are not hostile to the political institutions of the country, who have no secret caballing with the parties of other

countries, and especially of Kingdoms; for of nothing is America more jealous than this. Natives should in all cases be preferred *caeteris paribus*, and in all events the bishops should be men who would encourage and countenance the natives, and not bring tongue-tied foreigners to eat up the fruits that are collected in every way. There is a glaring fault, there is no regular remedy. The evil-disposed take advantage of those circumstances, and they tell the people the remedy is in their own hands. The trustees are selected who will promise to redress the grievances, and thus the confusion which is perpetually, and will be perpetually disgracing our Church, arises from the improper and objectionable appointments which are made.

In me it would be invidious and unbecoming to particularize them. But America wants for Bishops men of superior talents and superior piety, of great patience, great firmness, and great disinterestedness, who can write and speak in a manner that will put down their opponents, and men who can do this in English, and not in Lingua Franca. Until this be done religion cannot generally succeed here; and there are in America men who have some of these qualifications, but they have great need of piety and patience. I believe it was for me the most fortunate circumstance that could have occurred, not to have come hither but as a Bishop. Did I come merely as a priest I should not answer for the consequences. Would your Grace have me write these things to Rome? Would you have me prove them by facts? by evidence? I could but will not. No, my Lord; if I can be of use here, I will; but by writing to Rome what I know, and what I see, and what I am convinced of, and what America, whether Catholic or uncatholic, testifies, I would only destroy my own usefulness. I see the evil, but I cannot heal it. I am too insignificant, too young, perhaps even too much suspected. Rome does not know me. I have a large Diocess to mind. I will attend solely to its concerns; and if I should see an opportunity of doing good by communicating with Rome I shall do so, but years must pass away before my voice will have weight in the Capital of the Christian world.[1]

We have already seen that Dr. England hinted to Archbishop Maréchal the necessity of a National Synod to put the Church of

[1]In the *Seven Hills Magazine* of Dublin, vol. II, pp. 26-48, 186-214, there is a valuable collection of Dr. England's correspondence with the Irish hierarchy and with Cardinal Cullen, then Rector of the Irish College, Rome. This letter to Archbishop Troy will be found *ibid.*, pp. 210-214. I am indebted to the Right Rev. Dr. Cohalan, of Cork, for a copy of this periodical.

God in the United States in order; and then, when he found that prelate opposed to a meeting of the hierarchy, that he announced his intention of establishing the Church in the Southland upon a substantial constitutional basis. On December 22, 1822, Dr. England wrote to Maréchal that he had begun the work of reconstruction in his diocese by abolishing one element from which many of the troubles of the Church here had arisen: the pews. "I also regulated," he writes, "that no clergyman should, under pain of suspension *ipso facto* to be incurred, officiate in my Diocese in a Church, the property of which was not vested either totally, or as trust, in the Bishop and his successors, or in any Church in which there were one or more pews, excepting the Church of Charleston, the Church of Savannah, the Church of Augusta, and I determined to bring those Churches as soon as I could to conform to my plan."

The reasons he gives for the abolition of the pew-system are as follows:

> It will not be here amiss to state my objections to having pews in Churches, together with my reasons for the objection. I would not wish to see a pew in a Church, because—
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> 1st. They occupy a considerable portion of room and disfigure the symmetry of the Church.
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> 2nd. By their means a very painful and galling distinction is created between the rich and the poor, which causes pride and self-conceit in the one, and mortification and shame in the other, where both ought to be on a footing of equality before their common Maker.
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> 3rd. The feeling of mortification and shame frequently causes the poor to remain from Church to avoid being subject thereto, and thus leads to indifference and ignorance and not unfrequently has caused many to go to Methodist and other free meeting houses.
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> 4th. Because as it serves as a specious pretext to the slothful and to the indifferent to remain at home, upon the plea that they cannot obtain seats, and thus they are confirmed in their indifference, whereas by occasional attendance they may be excited by God's grace to religion.
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> 5th. Because it places the monopoly of the Church room in a few individuals who not unfrequently absent themselves and whilst others attend, for whom there is no accommodation, the space in which they might be accommodated is

left unoccupied, and the Clergyman is frequently obliged to officiate in a half empty Church, whilst several retire for want of room.

6th. Because the poor and the afflicted, who stand in most need of the aid of religion, are put most out of its reach, or still more humbled in their attendance.

7th. Because by their means Children who ought to be brought to an early attendance to the duties of religion are virtually excluded for want of room.

8th. Because by their means strangers and persons of other persuasions are bereft of the opportunity of hearing our doctrines explained, as they feel themselves either to be intruders upon private property of others, or under obligations which they do not like to feel, and which to them it is painful to repeat, for they perceive that whosoever accommodates them inconveniences himself.

9th. Because by their means some persons are too heavily taxed for the support of religion, whilst others who would be willing to contribute a little are prevented from bestowing their contributions.

10th. Because it generally happens that their income is placed in the hands of laymen, who have in many instances required from the Clergyman concessions incompatible with his duty, and reduce him to the alternative of betraying his conscience, or forfeiting the means of his support. For these and many other weighty reasons, not speculatively adopted, but fixed in my conviction and experience in several instances, and which conviction has been strengthened by the experience and observation of several others, I have no doubt but the progress of truth and religion has been materially retarded by having pews in Churches and therefore have determined never to suffer them in any Church to be built, and I trust for support to the Providence of that God who has sent me unworthy to preach the Gospel, and I do not think I would be justified before Him in doing what I know to be injurious to religion that I, or my clergy, may thereby derive money. Because no money can compensate for placing an obstacle to the progress of Religion. I trust to voluntary contributions of a religious people for support, and if we get less money we shall do more good, and if we make the laity religious, they will not permit us to want food or raiment, and we need no more. Let us seek first the Kingdom of God and his justice and those things shall be added to us.[2]

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[2]*Diurnal*, pp. 40-46.

This statement he first wrote in March, 1822; and that he had not changed his mind is evident from the letter referred to above, written at the close of the year.

> I have made a statute [he wrote to Maréchal], prohibiting any clergyman under pain of suspension *ipso facto* to officiate in any Church in which there is a pew in this Diocess, with the exception of those already existing, and I have contrived to have the pews of the old church here nearly deserted, and to live upon the voluntary offerings of the few well-disposed Catholics and to make the Priests earn their substance by teaching. Though this be unpleasant now, it will produce good. Another statute inflicts the same penalty with the same exception upon any Clergyman who will officiate in any building as a Catholic Church which is not vested in the Bishop and his successors in trust for the use of the Clergy of the Diocess and the benefit of the Roman Catholic laity of this district. *I will have no lay Trustees*, and I acknowledge no person to be a Roman Catholic except a person who shall produce a certificate of having signed and assented to the articles of the Creed of the Council of Trent; and if he by word or act contradicts the Creed, his certificate is superseded. The judges here tell me that this incurs all title and makes a corporation of the Bishop and his successors without any special act of the legislature, and will do in any State of the Union. And that no man can by law claim to bring the Trustees to account unless his certificate be in force. These certificate holders choose a committee to regulate the church funds under the direction of the Bishop or Pastor or both, and no person is eligible upon this committee but a man who has been at his communion within one year. This committee has no interference directly or indirectly with the income of a clergyman, which is received in quarterly subscriptions and collections in the church; neither has this committee the possession of the church, and the clergyman has the keys and holds them for the Bishop who is the Trustee.

He had had some difficulty in establishing this new method of Church property incorporation, but, he writes, "Thank God, I have by firmness succeeded with the vast majority here, with all in Columbia, with some in Georgia, and I hope I ultimately will with all. I am determined to abandon any Churches which will not receive and act upon this principle within a year." Strangely enough, his adviser in this was Hogan, who besought him "with tears in his eyes," if he "valued the religion of Jesus Christ, never

to suffer a lay Trustee in my Diocess, be his piety what it may, or the restrictions under which he is placed ever so great."[3]

This letter echoes his first report to Cardinal Fontana (October 9, 1822),[4] and it is quite probable that the Constitution of the Diocese was then nearing completion. On September 25, 1823, the Constitution was "published." The statement in the *Diurnal* runs as follows:

> Having paid great attention to the state of several Churches in America, and studied as deeply as I could the character of the government and the people, and the circumstances of my own flock, as well as the Canons and usages of the Holy Roman Catholic Church, and having advised with religious men and Clergymen, and lawyers, I this day, after consultation and prayer in the Church of St. Finnbar, published the Constitution by which the Roman Catholic Church under my charge is to be regulated, and I trust with the blessing of Heaven much disputation and Infidelity restrained. It was subscribed by the Clergy and by many well-disposed Laymen.[5]

On November 24, 1823, the first Convention of the Roman Catholic Church of South Carolina assembled. "The clergymen and laymen who attended the several meetings . . . were unanimous in their approval of the Constitution." It would seem that the Constitution was still in manuscript, for we learn from Dr. England's address at the Second Annual Convention (held in Charleston, November 14-16, 1824) that at the former meeting a motion had been passed "for printing a number of copies of the Constitution." A special Committee had been selected to see the manuscript through the press, but the work was not carried out.

> It is right [Dr. England says], that the cause of the delay should be known. We have understood that certain amendments which we have declared to be fully admissible by the Canon-Law and the usages of the Church, are likely to be submitted for your consideration. We have also sent an abstract of the constitution, in the Latin language, to Rome, for inspection, and to be informed whether it was in any part in opposition to the general discipline of the Church, and we

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[3]BCA, Case 16-M19.
[4]Propaganda Archives, *Scritture riferite, Amer. Cent.*, vol. 7, ff. 30-32.
[5]*Diurnal*, pp. 66-67.

thought it right to delay the execution of the order, until the decision and the judgment of Rome should be known.[6]

The copy sent to Rome is in the Propaganda Archives, in the handwriting of three different translators. It has no date, and there are no marginal notes to show what disposition was made of the document.

The Constitution was printed for the first time between the Third and Fourth Conventions of South Carolina (November, 1825—November, 1826). We read in Dr. England's address at the latter Convention:

> Since your last meeting, our Constitution has been printed; and it is hoped that the members, being thus in possession of the details, they will be more than ever attached to those great principles of unity by which our strength is consolidated, our efforts are made useful, our harmony is established, our body made respectable, and our charitable affections for each other enlarged and confirmed. The Catholic who peruses it will discover the ample, certain, easy, and efficacious mode in which provision has been made for the prevention of evils, or the remedy of such as may arise, as well as for the combination of our several efforts to produce whatever benefit we may desire. Our brethren of other denominations who may peruse it, will probably find that they have too often attributed to us tenets and principles which are not ours; and looked upon us as inimical to what we loved, and hostile to them upon account of principles which are common to us both, and to maintain which our ancestors and theirs stood in firm union, before that unfortunate separation by which we have been estranged from each other.[7]

Whether the Holy See ever gave its formal approval of the Constitution is not clear from the fragmentary documents at our disposal; but the extant correspondence shows that the new system of Church government in the Southland was meeting with opposition on the part of the prelates of Philadelphia, Bardstown, and Baltimore. An echo of this can be seen in Maréchal's letter to Cardinal della Somaglia, dated Baltimore, December 21, 1824, where he writes: "*Rumor vagatur Illmum D. England Episcopum Carolopoleos condidisse constitutionem democraticam, juxta quam intendit ecclesias suæ diœceseos regere; atque eam misisse ad*

[6] *Works* (Reynolds), vol. IV, p. 318.
[7] *Ibid.*, p. 324.

Sacram Congregationem ut ab ipsa approbetur. Quibusnam principiis nitatur, nescio. Attamen non possum satis orare sanctissimos et eminentissimos patres ut hanc constitutionem democraticam non approbent, nisi lente admodum et post valde maturum examen. Exhibitur namque quasi multum opposita bono et prosperitati ecclesiae."[8]

Now, it is precisely on the question of Church property incorporation that Dr. England's constitution breaks with the method generally followed in other dioceses of the American Church. There was a chance that the word *democratic* which Maréchal underlines in the above passage, the full intent of which might be lost in English, would be misunderstood at Rome and so cause difficulty to the Bishop of Charleston. This may not, of course, have been Maréchal's purpose, but certainly no more dangerous qualification could have been given to any system in those days of the reaction and conservatism which reigned in the Era of Metternich. Peace was wanted at any price in the decade following the Napoleonic *débâcle,* and anything savoring of liberalism was deemed as a disturbing element in political and social life. It was a triumphant *bourgeoisie* which ruled the destinies of Europe at the time, and while this class was to bridge over the reaction of 1815 with the democratic and national outburst of a new political revolution in 1830, the intervening period was too uncertain for any experimentation that veered away from the customary mode of things.

John England had spent three months in his diocese when he determined to break with the old method, at whatever cost. On March 1, 1821, in one of his first letters to Maréchal, he says that he had notified all and sundry wherever he had travelled that he would not permit a church to be erected unless the property be vested in his own name and not in the name of the congregation. Trustees the church might have if it wished; but the trustees should represent him and not the congregation. The trustees of Charleston Cathedral had already acquiesced in his decision and were preparing to apply to the legislature to make the necessary change in the incorporation of the property. Dr. England saw the legal

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[8]Printed in Hughes, *History etc.,* Documents, vol. I, part 1, p. 525, from the Prop. Arch., *Atti* (1826), no. IV.

difficulties in the way of this new incorporation, and was debating whether he should not build another church and abandon the old, so as to avoid any conflict with the law.[9]

To explain this possible conflict, a brief survey of the nature of church incorporation is necessary. The American Federal Constitution of 1787 contained in theory, at least, the doctrine of separation of Church and State. The amendment guaranteeing this doctrine "means exactly what it says and no more. It is a restraint on the action of the *State Legislatures*."[10] The transmission of the Federal doctrine into the State Constitutions was left to the States. Without discussing the history of the adoption of this fundamental principle into the State Constitutions, it may be said that the process came about somewhat slowly. Virginia was the first to sever Church and State, and the other States followed (with the exception of New Hampshire). Massachusetts achieved complete religious freedom in 1833. New York abolished the test oath in 1806. New Jersey suppressed its favorable Protestant interpretation of religious freedom in 1844. In 1831 the Constitution of Delaware gave full liberty of conscience. North Carolina substituted the word *Christian* for *Protestant* in its Constitution in 1835. South Carolina gave freedom of worship in 1790. Georgia followed in 1798. In Bishop England's diocese there was complete religious freedom after 1835. In South Carolina and Georgia, the law knew no heresy, and religious rights were common to all. This did not mean, however, that the law took no cognizance of religion. Certain Christian tenets were recognized as fundamental in the law of the land. But "the policy of the State in matters of religious opinion is that of masterly inactivity, of hands off, of *laisser faire*, of fair play and no favors."[11] This policy, however, did not absolve the State from the duty of protecting religious liberty and religious groups in the exercise of that liberty. "The State does not merely allow religious associations to shift for themselves as best they can, but acts affirmatively to secure the fullest possible liberty."[12] From this attitude or policy arose the necessity of incorporating

[9]England to Maréchal, Charleston, March 1, 1821, in BCA, Case 16-J5.
[10]Zollmann, *American Civil Church Law*, p. 9. New York, 1917.
[11]*Ibid.*, p. 21.
[12]*Ibid.*, p. 23.

Church property to secure it both from alienation and from misappropriation. In all the States, with the exception of Virginia and West Virginia, charters of incorporation for churches or congregations were legally possible.

The forms of church corporations which have existed in the United States are five: the *territorial parish*, which is now entirely extinct; the *Corporation sole;* the *Corporation aggregate;* the *trustee corporation*, and the *Roman Catholic Church*. The Roman Catholic Church is recognized by the Courts as a corporation, but only in the Philippines, Porto Rico and other former Spanish territories, by the Treaty of Paris. The corporation sole has not become a general one in the United States. Many legislatures have not given their consent to it, "believing that the Roman Catholic Church, which would be the main beneficiary of such a law, was asking for undue privilege."[13] In some States, the quasi-corporation sole exists on the compliance with certain prescribed conditions by the ecclesiastical head of the Church in those localities. The corporation aggregate is a congregational form of holding property, and does not harmonize with the Catholic Church form of government. There remains the trustee corporation. This system is one of the oldest in use in the United States, and, where the corporation sole is not permitted, is the one by which many parishes are regulated. The trustee system was an obvious response to an apparent need. Some one must hold the property for legal purposes, and the simplest system was for the congregation to elect a number of its members to represent it before the courts. In a way the trustee corporation resembles the corporation sole—the few represent the group. And, in one sense, it is an advance on the method of the corporation sole, since it can keep on indefinitely by the election of additional trustees. The evil in the trustee system was that gradually the trustees were recognized by the law as the actual legal corporation, and the religious society which elected them became a segregated body with no legal standing in the courts, except in equity.

Before the American Revolution, Catholic Church property in Maryland and Pennsylvania was held in the name of individual clergymen in fee simple. In the rules drawn up by the Roman

[13] *Ibid.*, p. 46.

Catholic Clergy of Maryland and Pennsylvania in 1784, it was proposed to form a body corporate which would hold all the property, formerly held in individual names, until the restoration of the Society of Jesus. This select body would be regulated by a chapter, which would appoint a procurator-general. The title to all Church property would be held by trustees. This system became a law, when the legislature of Maryland incorporated the Roman Catholic Clergymen of that State on December 23, 1792. The difficulties which arose between this corporate body and the See of Baltimore do not enter into the question at this time.

Apart from this corporation, congregations in other parts of the new Republic, in order to protect the property created by themselves, asked and obtained legal incorporation; and to meet the requirements of the law, they elected trustees to represent them before the courts of the land. This system Bishop Carroll acquiesced in, since it was the only method at the time which would guarantee legal protection as well as legal rights, as in the question of bequests and trust funds.[14]

Soon after the American Revolution, individual congregations petitioned their respective State Legislatures for recognition as a body corporate. This was not done in defiance of any ecclesiastical law, since no law apart from the general law of the Church existed in the United States at the time. Archbishop Hughes knew better than any other member of the American episcopate the evils which arose from trusteeism, and he understood the tolerance shown by Carroll for the hated system. "The venerable Archbishop Carroll," Hughes wrote, "wished to assimilate as far as possible, the outward administration of Catholic Church property in a way which would harmonize with the democratic principles on which the new government was founded. With this view he authorized and instituted the system of lay trustees in Catholic congregations."[15] The system might have prevailed, had the trustees been content to hold and administer Church property without encroaching on the spiritual administration of the parish or diocese. The attempt to transmute their temporal power into spiritual jurisdiction, or into a

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[14]Cf. Guilday, *Carroll*, pp. 782-785, 788.
[15]Kehoe, *Works of Archbishop Hughes*, vol. II, p. 150. New York, 1865.

right of patronage by which they laid claim to choose and to dismiss their pastors at will, brought about inevitable results—dissensions, tumults, scandals, rebellion, schism, and heresy. It must be remembered, however, that even these evils might have been controlled, had the Canon Law of the Church in the matter of ecclesiastical property been recognized at that time by the different State Legislatures. From St. Peter's Church in New York City to Holy Trinity Church in Philadelphia, then down the Atlantic seaboard to Baltimore, Norfolk, Charleston, and Savannah, and then westward to New Orleans, the standard of rebellion had been raised by groups of laymen who were fighting for a principle which would have ended, as Carroll once told them, "the unity and catholicity of our Church."[16]

Bishop Carroll does not mention the trustee system in his Report to Propaganda (1785) because, as he wrote, "there is properly no ecclesiastical property here; for the property by which the priests are supported, is held in the names of individuals and transferred by will to devisees. This course was rendered necessary when the Catholic religion was cramped here by laws, and no remedy has yet been found for this difficulty, although we made an earnest effort last year."

The trustee system was an accepted remedy for the time being, but by the end of Carroll's episcopate (1815) it had produced discord and schism in many of the congregations of the archdiocese. The efforts of Neale and of Maréchal to control the growing disorder have already been described. When Archbishop Maréchal wrote his Report to Rome in 1818, trusteeism had become a much graver question, since unworthy priests were aiding and strengthening the rebellious spirit of the trustees. During Maréchal's visit to Rome in 1821-22, the Sacred Congregation de Propaganda Fide took up for discussion the problem of trusteeism, and proposed to Maréchal (May 25, 1822) several questions as preliminaries to a decision.[17] Since the American Constitution granted liberty of worship to all religions, and since it was a law of the Church that the bishop should preside over everything necessary for Catho-

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[16]Guilday, *op. cit.*, p. 651.
[17]Prop. Arch., *Lettere*, vol. 303, fol. 418.

lic worship, Propaganda asked why the bishops of the United States did not appeal to the courts for their religious rights in the matter of Church property administration.

Whatever Maréchal's reply may have been, the Sacred Congregation decided (July 27, 1822) that immediate action would have to be taken to control the immoderate and unlimited powers of the trustees. Progaganda realized the danger of attempting to remove from the jurisdiction of the trustees the churches, presbyteries, and cemeteries already placed in their charge by legal incorporation. "There seems to be no other way out of the difficulty but warning and entreaties".[18] The archbishop and his suffragans were urged to be present at the annual elections of the trustees and to impress upon the minds of their flocks the grave danger of selecting men whose hearts were not in accord with Church discipline; and among the principles to be explained to the congregations at these times were the following: (1) That under no condition could the trustees exercise the privilege of dismissing the pastor appointed by the bishop or deny to him proper support for his sustenance; (2) that no priest without proper sacerdotal faculties would be allowed to officiate in the church; (3) that pastors in the exercise of their sacred ministry were absolutely independent of the trustees. Moreover, in the future, the Sacred Congregation advised the bishops not to permit the erection of any church with a trustee system of administration, and decreed that the property be placed in the name of the bishop. The bishop, as sole trustee, should make his will leaving the property to a trustworthy person, who would hold it for his successor.

A month later (August 22, 1822) Pius VII issued the brief *Non sine magno*, addressed to Archbishop Maréchal, to his suffragans, to the administrators of the temporalities of the churches, and to all the faithful in the United States of America, on the question of trusteeism. The main purpose of the brief was the condemnation of Hogan and his followers in Philadelphia.[19] After expressing his reprobation of Hogan, the Holy Father speaks of the trustee evil as follows:

There is another circumstance which affords continual cause

[18] *Ibid.*, fol. 634.
[19] Cf. Shea, *op. cit.*, vol. III, p. 245.

of discord and contention, not only in Philadelphia, but also in many other places of the United States of America: the immoderate and unlimited right, which trustees or administrators of the temporal properties of churches assume, independently of the diocesan Bishops. Indeed, unless this be circumscribed by certain regulations, it may prove an eternal source of abuses, and dissensions. Trustees ought then to bear in mind, that the properties which have been consecrated for divine worship, for the support of the Church, and for the maintenance of its ministers, fall under the power of the Church; and since the Bishops, by divine appointment, preside over their respective churches, they cannot by any means, be excluded from the care, superintendence and administration of these properties. Whence the holy council of Trent, Sess. 22, Cap. 9 de Ref., after having established, that the administrators for the building of every church, even of Cathedrals, and of all pious institutions were bound every year, to render to the Ordinary an account of their administration, expressly ordered that although according to the particular usages of some countries, the account of the administration was to be rendered to other persons, appointed for that purpose—nevertheless the Ordinary must be called in, together with them. If the trustees, in conformity to this decree, were to administer the temporalities of the Church in union of mind and heart with the Bishop, everything would be performed peaceably and according to order.

But that trustees and laymen should arrogate to themselves the right, as it has sometimes happened in these countries, of establishing for pastors, priests destitute of legal faculties, and even not unfrequently bound by censures (as it appears was lately the case with regard to Hogan), and also of removing them at their pleasure, and of bestowing the revenues upon whom they please, is a practice *new* and *unheard of* in the church. And if these things have been performed in the manner, in which it has been announced to us, how could so great a subversion of laws, not only ecclesiastical but divine also, be borne with? For in that case the Church would be governed, not by *Bishops*, but by *laymen*, the *Shepherd* would be made subject to his flock, and laymen would usurp the power, which was given by Almighty God to Bishops. But those who are desirous of remaining in the bosom of their mother, the Holy Catholic Church, and of providing for their eternal salvation, are bound religiously to observe the laws of the Universal Church, and as the civil authorities must be obeyed in those things which are temporal, so also in those which

are spiritual, must the faithful comply with the laws of the Church, not confounding the spiritual with the temporal. In order then, to avoid the dissensions and disturbances which frequently arise from the unbounded power of trustees, we have provided, venerable Brothers, that certain regulations and instructions concerning the choice and direction of trustees should be transmitted to you, to which, we are confident, the trustees will thoroughly conform themselves. If these be observed all things, we trust, will be settled rightly and peace and tranquillity will again flourish in these regions. To this end we first exhort in the Lord, and entreat the Pastors, whose solicitude is sufficiently known to us, that they employ their most diligent endeavours, to root out abuses and to establish ecclesiastical discipline, *being instant in season and out of season, by reproving, entreating, rebuking with all patience and doctrine.* We also admonish and exhort the trustees, and the rest of the faithful through the bowels of our Saviour Jesus Christ, to behave towards the Pastors sent them by the Holy See, with that respect, honour, and obedience which belongs to them; to receive them as their fathers, and the directors of their souls; to lend a willing ear to their admonitions; to supply them with the subsidies necessary for their support; to harbour no other ministers of the Sanctuary but those who have been approved by them; finally to embrace with pleasure and with readiness, whatever they may judge conducive to establish regular order and discipline, and to rest in peace,—that there may be no schisms; *that all be of one mind—having the same charity—being of one accord—agreeing in sentiment. Let nothing be done through strife, nor by vain glory, but in humility let each esteem others better than themselves.* (Phil. 22.) And since under the protection of your prosperous and happy government, Catholics enjoy the free exercise of their holy religion, let your faith and piety shine before all, in such manner that you may be an example and an edification, not only to the faithful, but to those also who are without, faithfully serving God and your country. And as we trust you will, with the assistance of divine grace, diligently and willingly perform this, we most lovingly impart to you in the Lord our Apostolic Benediction.[20]

There is no condemnation *ex professo* of the trustee system in the *Non sine magno;* only the immoderate claims of the trustees are denied a place in the canonical jurisdiction of the Church. Had

[20]Prop. Arch., *Lettere,* vol. 303, fol. 658. Translation from contemporary reprint in the BCA, Case Special B-R3.

the trustees accepted the regulations of July 27, 1822, the Holy See might have permitted the system to continue, so long as the American Bishops consented to the same. But the discord had become so bitter that the trustees would not withdraw their claims to the selection or dismissal of their pastors.

The Sacred Congregation in its letter of May 25, 1822, had suggested to Archbishop Maréchal the advisability of holding at once a Provincial Council for the purpose of regulating the whole problem of ecclesiastical discipline. This suggestion did not receive Maréchal's approval, and the beginning of John England's difficulties as Maréchal's suffragan came when he also insisted with the Metropolitan of Baltimore that only a National Synod would bring order out of the discordant situation in the American Church. There was no Council during the Maréchal episcopate. The first Provincial Council of 1829, called by his successor, Archbishop Whitfield, legislated for the first time in the history of the Church in the United States on the trustee problem. The fifth decree was as follows:

> Since lay-trustees have too often abused the power given them by the civil law to the great detriment of religion and not without scandal to the faithful, we very greatly desire that in the future no church shall be built or consecrated, unless it shall have been assigned by written instrument to the bishop in whose diocese it is to be built, wherever this can be done. . . . . However, by this decree we do not desire to interfere with the method which the Bishop of Charleston now follows in his diocese.[21]

Our national Church history contains no more instructive lesson than the story of John England's fight for his "democratic constitution", as Maréchal calls it, from 1822 until the above conciliar declaration was made. "Do not deem it arrogance in me, the youngest in every way amongst the Bishops of this Union", he wrote to Maréchal on March 1, 1821, "that I suggest to your Grace the propriety of assembling us at some early period for the purpose of having established some uniform system of discipline

[21] *Concilia Provincialia Baltimori habita etc.*, p. 74. Balto., 1851. Cf. Baart. *Tenure of Catholic Church Property in the United States of America*, pp. 53-54. Marshall, Mich., 1900. Godfrey, *The Right of Patronage according to the Code of Canon Law* (Washington, 1924), gives in an Appendix (pp. 141-144) a short sketch of patronage in the United States.

for our Churches, and of having common counsel and advice upon a variety of important topics regarding the causes and remedies of those disastrous contests which have torn and do still agitate this afflicted Church".[22] This was the first of many such appeals, but the young Bishop of Charleston soon learned that, whatever else might happen, there would be no Provincial Synod. Consequently, when he set out to organize his own diocese by means of a Constitution acceptable to himself, to his priests, and to his people, an animus was already being formed against the innovation.

Father James Whitfield, who was to succeed Maréchal, wrote to the latter from Baltimore, February 21, 1822, reporting that Dr. England was going to Rome "to obtain another Bishopric as the climate of Charleston does not agree with him," and it is not unlikely that Bishop England was contemplating a journey for this purpose, since he realized that his efforts to stem the disorder in the American Church would be opposed by his colleagues in the episcopate. If he did falter, it was only for the moment; for his terse announcement to Maréchal (January 15, 1823) was that he had given up all hope of having the "common aid" of a Council, and that he was therefore "driven to think and act for myself."[23] A month later (February 5, 1823), he writes to the archbishop: "With respect to the Synod, I have done. I perceive it is useless to press it. But my convictions are still the same".[24]

By this date the Constitution had been drafted and manuscript copies made for the churches of the several districts of the Diocese of Charleston. The original, which exists in Italian in the Archives of Propaganda,[25] when compared with the final copy of 1839, shows but few amendments. But until he was quite certain of the whole document, Bishop England wisely refrained from allowing copies to be sent to anyone outside his diocese. Archbishop Maréchal had requested a copy in the autumn of 1822, but even when he replied on June 10, 1823, Dr. England postponed sending the Constitution until "one or two doubts shall have been solved by the lawyers with whom I consulted and my own mind fully sat-

[22]BCA, Case 16-J5.
[23]BCA, Case 16-J6.
[24]BCA, Case 16-K7.
[25]Photostat copy in my possession.

isfied".[26] We have seen that Constitution was put into execution at the First Convention of the Roman Catholic Church of South Carolina, on November 24, 1823, when a resolution was passed that it be printed for distribution. This, as has been noted, was not done by the time the Second Convention opened in November, 1824. In fact, on March 3, 1824, in writing to Bishop Conwell, Dr. England stated:

> Mr. Harold wrote to us for our Constitution here. I promised to send it as soon as it should be printed, and if he wanted it sooner, to have a copy transcribed. The Clerical Trustees here do not think we should publish it as soon as I intended; nor do they think it prudent to give a copy until after Georgia will have been regulated. The old church here has this day after much difficulty and three years' contention with me and thirteen years' contention with my predecessors come to an agreement with my principles, after I had been obliged to vary the terms ten or twelve times, and has promised to sign and fix their Corporate Seal to the Articles this night. If this be done, I have peace and poverty in both Carolinas . . . . The contest here for the right of nomination by the Vestry was warm, but has long since been given up . . . . I shall soon try Savannah. . . . The great evil has arisen from having built and recognized churches upon vague and indistinct terms instead of having a detailed Constitution from which there would be no departure.[27]

Georgia was organized under the Constitution on April 2, 1826, and North Carolina, on May 15, 1829. Conventions were held in the three districts of North Carolina, South Carolina, and Georgia from these dates until November 17, 1839, when delegates from the three States met in the "First Convention of the Church of the Diocese", held in the Cathedral of St. Finnbar, Charleston. By this time all the amendments found necessary for the practical administration of the Constitution had been adopted, and on the last day of the year 1839 the final draft of the Constitution was ordered to be printed.

The watchful eye of Bishop David of Bardstown had discovered

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[26]BCA, Case 16-K20.

[27]BCA, Case 16-J11. The *Miscellany* (March 24, 1924, vol. II, p. 178) says: "*1823, September 25*—After many previous meetings had been held and several discussions had upon those parts of the Document which were not of the Doctrine, the general discipline, or the special discipline of the Diocess", the Constitution was adopted.

a "theological inaccuracy" in the definition of Faith in the Constitution, and Bishop England acknowledged through the *Miscellany* the mistake. Bishop England had written: *Faith is the sincere disposition to believe all that God has taught.* This he changed to read: *Faith is the belief upon the authority of God, of all those matters which he hath revealed to us, even though they should be above or beyond the comprehension of our reason.*[28]

Bishop England's attempt to bring peace into the conflict in the Diocese of Philadelphia accentuated in the mind of Bishop Conwell the possibility of danger from the constitutional method of regulating the Diocese of Charleston. There was a considerable amount of freedom of action granted to the laity in the Charleston Constitution, and the laymen of Philadelphia and New York were beginning to express a desire to see the Constitution extended to these northern dioceses. Bishop Conwell was opposed to any change in the situation in his own episcopal city, and it is not surprising to find him writing, on January 1, 1825, to the Cardinal-Prefect of Propaganda Fide complaining bitterly against Bishop England. Although he wished, he says, to show the greatest respect towards one placed over the Church of God, as his brother of Charleston was, he regarded it, nevertheless, as his duty to warn the Holy See, before Dr. England's activity had caused evil to the American Church, that great caution should be used when the Charleston Constitution was brought up for ratification at Rome.

> If this Constitution or *democratic* method of ruling the Church be approved by the Holy See [he writes], it might become necessary to extend it to all the dioceses here, and it would mean the quick collapse of the American Church. The bishop [England] boasts in his newspaper [*Miscellany*] that part of the Constitution had been sent to Rome for approval, and once that it is granted, it will be proposed to trustees all over America, who with the bishop like a king, and the representatives of the laity and the clergy, each year will discuss ecclesiastical affairs. It is to be hoped that the sanction of the Sacred Congregation will be withheld from this, or at least supreme caution be used, for if it were once sanctioned, ecclesiastical liberty would end in this country.

Then follows a passage in which Bishop England is accused

[28] *Works* (Reynolds), vol. II, p. 358.

of vanity and the desire for popularity to such an extent that he has no hesitation in meddling "in the affairs of my diocese, which is as distant from his as Rome is from Paris." An interview in New York (1821) is described to England's detriment, and the letter ends with the warning that if the Bishop of Charleston were to be located in Philadelphia or New York (both were then seeking a coadjutor), or in Baltimore, *actum foret de libertate Ecclesiae!*[29]

This statement was in accord with several of Dr. Conwell's warnings to Archbishop Maréchal. "I do not consider his Constitution for the Church," he wrote (February 13, 1824), "to be calculated for durability or peace."[30] Again, on January 17, 1825, he says in a letter to Maréchal:

> I understand that he has applied to Rome, as the advocate of the Schismatics, and purposes to extend the Benefits of his New Civil Constitution of the Church, which he has already acted upon in his own Diocese, to every other Diocese in the United States, so that the Laity shall have the appointment of the Pastors and the removal of them *ad libitum, quotannis,* in the Convention at Charleston, and unless prevented he might impose on the Holy See, by the speciousness of his Logic, which may, peradventure, alarm them at Rome. . . . The New Civil Constitution will not operate as a *Substitute* for the Right of Presentation in every Diocese . . . *nihil innovetur nisi quod traditum est.* . . .[31]

When Conwell feared that Dr. England might be transferred to New York, he returned to the attack (April 10, 1825) against the Civil Constitution of the Diocese of Charleston; again on June 10, 1825, a spirited letter left Dr. Conwell's hands for the Sacred Congregation with the same plea that *nihil innovetur nisi quod traditum est,* otherwise the Church faced ruin (*aliter actum foret de Ecclesia*).[32]

On October 25, 1825, Propaganda took action and wrote to Archbishop Maréchal asking that he secure privately a copy of the Charleston Constitution. The Cardinal-Prefect did not deem it prudent to ask Dr. England himself for a copy, and so Maréchal was requested to send a copy secretly to Rome (*ut ad nos secreto*

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[29]Prop. Arch., *Scritt. rifer., Amer. Cent.,* vol. 6, fol. 809.
[30]BCA, Case 15-B15.
[31]BCA, Case 15-C29.
[32]Prop. Arch., *Lettere,* vol. 303, fol. 689.

mittatur).[33] That same day, a letter was sent from Rome to Dr. Conwell, assuring him that Bishop England's Constitution would be well examined before being approved by the Holy See. In all charity, it may be surmised that only the fiasco in Philadelphia the following year lessened whatever influence Dr. Conwell may have had in Rome. At any rate, the Sacred Congregation, always eager to leave the jurisdiction and the controlling methods of diocesan life to the individual bishop, seems to have had no misgivings about Dr. England's Constitution. In fact, there is one letter, dated September 14, 1830, from the Cardinal-Prefect to Bishop England which must have given the latter great joy, for it contains a retraction of the reproof administered to him by Propaganda on August 27, 1825. The Cardinal-Prefect apologized for the severe terms used in the letter and told the Bishop of Charleston that they had been misled at Rome by some who had written against him.[34]

Bishop England refers to this letter from Cardinal Cappellari, then Prefect of the Sacred Congregation, in a letter congratulating him as Pope Gregory XVI, dated Charleston, July 23, 1831. It contains his final word to the Holy See on the Constitution. In regard to the trustees, he writes, there is no bishop in the whole Church who would have them more dependent upon episcopal rule than the Bishop of Charleston. The Constitution which he had drawn up for the rule of the diocese had been accepted by the clergy and laity, and by its regulations the trustees who had given so much trouble elsewhere, were prevented from interfering in spiritual affairs or in mixed matters; or even in purely temporal affairs, without the consent of the pastor, who is president *ex officio* of the board of trustees. In case of dispute the bishop's decision is final. The Constitution states expressly that the trustees have no power in matters of faith or Church discipline, and in all questions where discord arises, it is stated that the supreme judgment rests with the Holy See. Bishop England repeats his advice of former years that there will be no peace in the Church of the United States until bishops are appointed who know the genius of the people here, their language, and the laws and customs of

[33] *Ibid.*, fol. 549.
[34] *Ibid.*, vol. 311, fol. 814.

our country. Moreover, he gives his judgment, so often expressed, that the chief evil of all was the lack of conciliar action in America up to 1829.

The Constitution of the Roman Catholic Churches of the States of North Carolina, South Carolina, and Georgia, which are comprised in the Diocess of Charleston, and Province of Baltimore, U. S. A., as fully agreed to, and accepted; after repeated discussion, by the clergy and the several congregations, and regularly confirmed by the Bishop, and subsequently amended to the form prescribed, is a booklet of forty-eight pages with a short index to facilitate its use. The Preface distinguishes two parts to the system of government which exists in the Roman Catholic Church, the one of divine institution, and the other the result of human regulation. This second part Dr. England writes, "must necessarily be so far dependent upon the first as that no one of its provisions shall in any way counteract any principle or provision of the former." The second part is subdivided into two sections: ecclesiastical discipline and the regulation of those temporalities or properties necessary for the support of religion. Ecclesiastical discipline is the exclusive prerogative of the bishops of the Church and no one else can be admitted to have any power therein. The other aspect of the problem of Church government, namely, control of Church property, creates a problem: How are those means to be procured? In whom are they to be vested? In what manner are they to be expended? That the Church has no divine power of taxation is true, but it is equally certain that "there was a general obligation on those who partook of the benefit of religion to contribute to its support." This general right and general obligation needed special regulations, if Church support was to be legitimately created and carried out. The evils which had arisen in the American Church as the result of a maladministration of ecclesiastical property proved the necessity of these special regulations. . . "The Constitution of this Diocess was formed for the purpose of preventing in future the recurrence of evils of this description within its limits . . . the object of its formation was to lay down those general principles of law, and to show their especial bearing in the most usual cases; and then upon the mode of raising, vesting and managing Church property, to fix the

special manner in which the great principles that are recognized by the Church should be carried into practice."

There are seven Titles in the Constitution: Title I—DOCTRINE; Title II—GOVERNMENT; Title III—PROPERTY; Title IV—MEMBERSHIP; Title V—DISTRICT CHURCHES; Title VI—THE CONVENTION; Title VII—AMENDMENT OF CONSTITUTION. Then follow a *Declaration to be made by persons entering into office*, and *the Statute of the Diocess of Charleston concerning Gratuities.*

Title I—DOCTRINE consists of eight *capitula* defining the faith of the Catholic Church on Revelation, Faith, Holy Scripture, the Church, and the Sacraments, and ending with the Tridentine Profession of Faith, prescribed by Pius IV (Nov. 18, 1564—Sess. 24, cap. 13, Sess. 25, cap. 2).[35] Dr. England has given in a footnote the following declaration of the Irish Bishops on the tenet: *extra ecclesiam nemo salvus esse potest:*

> Catholics hold, that in order to attain salvation, it is necessary to belong to the true Church, and that heresy, or a wilful and obstinate opposition to revealed truth, as taught in the church of Christ, excludes from the Kingdom of God. They are not, however, obliged to believe, that all those are wilfully and obstinately attached to error, who, having been seduced into it by others, or who having imbibed it from their parents, seek the truth with a cautious solicitude, disposed to embrace it when sufficiently proposed to them; but leaving such persons to the righteous judgment of a merciful God, they feel themselves bound to discharge towards them, as well as towards all mankind, the duties of charity and of social life.

Title II—GOVERNMENT is divided into three sections. Section I treats of the nature of the Church, of Church Government, of Church and State, of the Primacy of Jurisdiction of the Holy See, Infallibility, Civil Allegiance, the authority of General Councils, Diocesan Bishops and their Vicars, the Priesthood and the Independence of the Priesthood in its exclusive province of the sacred ministry. "We do not believe," the Constitution says, "that our Lord Jesus Christ gave to the civil or temporal governments of states, empires, kingdoms, or nations any authority in or over spiritual or ecclesiastical concerns. We do not believe that our Lord Jesus Christ gave to his Church, as such, any authority in

[35]Denzinger, *Enchiridion etc.*, nn. 233-235.

or over the civil or temporal concerns of states, empires, kingdoms or nations." From these two premises, Dr. England draws several conclusions which were particularly needed at that period, namely, that as Church government and temporal government were not necessarily united the one to the other, nor dependent the one upon the other, the members of the Church may be "faithful and meritorious citizens of republics," or "loyal subjects of limited or absolute monarchies." "We do not believe," he says, "that by virtue of this spiritual or ecclesiastical authority, the Pope hath any power or right to interfere with the allegiance that we owe to our State; nor to interfere in or with the concerns of the civil policy or the temporal government thereof, or of the United States of America." The limitations of the laity in Church government then were discussed and there follows the fundamental law of the Constitution—"We therefore disavow and disclaim any right or power, under any pretext, in the laity to subject the ministry of the Church to their control, or to interfere in the regulation of the sacred duties, this being the exclusive province of those persons whom the Holy Ghost hath placed Bishops to govern the Church of God."

In this section the much-discussed clause on Infallibility occurs:

> We are not required by our Faith to believe that the Pope is infallible; nor do we believe that he is impeccable, for it is not a consequence of his being vested with great authority that he should be exempt from the frailties of human nature, but we do not believe that his authority would be diminished, nor the institutions of our blessed Saviour destroyed, even if the Pope were to be guilty of criminal actions.

Written in 1821-22, there is nothing theologically inaccurate in this statement, though, in connection with Dr. England's clause on the papal dispensing power, it has been interpreted at times in terms of Gallicanism. Bishop Maes, in his essay *Le Catholicisme aux États-Unis*,[36] accuses Dr. England of a tendency to Gallicanism; and when Dr. England's *Works* were first published (1849), Dr. Brownson expressed his regret "that while scrupulously tenacious of the defined doctrines, the illustrious prelate, in the early

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[36] *Le Correspondant*, vol. 250 (1901), pp. 11 ss.

part of his career, was tinged with those theological opinions which pass under the name of Gallicanism."[37]

Dr. England's statement on the Pope's dispensing power, which appeared first in the *Miscellany,* was attacked by "One of the People of the South," in the *Gospel Advocate* (October, 1822), of Boston; in the series of letters printed in the *Miscellany* in reply, Bishop England clarifies his position. These articles on the *Pope's Dispensing Power* are placed by Dr. Brownson in juxtaposition to the clauses of the Constitution, but he differs from Dr. England in this, that the latter held the dispensing power not to be of divine right but traced it to the concession and the institution of the princes and the people of Christendom, while Dr. Brownson thought it had a higher source. Brownson acknowledges the integrity of Dr. England's faith on the Primacy and his devoted attachment to the Holy See, but holds that it was England's lot to

> have pursued his ecclesiastical studies under circumstances not favourable to a just estimate of the pontifical prerogatives. In the struggles of the Catholics of Ireland, in the early part of the century, for the attainment of their civil rights, the strongest ground of opposition to their claims was the alleged incompatibility of allegiance to the Crown with the acknowledgement of the Papal supremacy. The advocates of emancipation, labouring to remove every pretext for this calumny, undertook to circumscribe the pontifical authority within the narrowest limits which the defined dogma would permit. The acts of various Popes, being objected to them, they were not content with observing, that these were not accompanied with a declaration of the right, or that the declaration was not of that solemn character which constitutes a doctrinal definition. They chose the bolder position of denying the infallibility of the Pontiff. This, if understood of his personal opinions, might be denied without suspicion or censure; but when embracing his most solemn decrees addressed to the whole Church on doctrine, under penalty of excommunication, it clashes with the general opinion of divines, and the settled convictions of the great body of the hierarchy, founded, as we believe, on Scripture and tradition. We are free to confess, with the eminent author, that it is not an article of Catholic faith, because it has not been formally proposed by the competent authority; and as long as the Church does not attach to its denial the forfeiture of her

[38] *Brownson's Quarterly Review,* vol. IV (1850), pp. 137-158.

communion, we dare not cast censure on those who question its correctness; but we deprecate all attempts to forestall her judgment, and embarrass its exercise by unnecessary statements, which may hereafter be alleged as tokens of an adverse tradition. When the civil government, through weak jealousy, demands such a declaration, it may be admissible, since it is a mere statement of fact, which cannot be withheld without serious loss or suffering, but to embody it formally into the constitution of the churches entrusted to his charge was, we think, improper. But for this blemish, these documents, which display much legal as well as ecclesiastical knowledge and great ability, might have received that attentive consideration at Rome to which their intrinsic merit entitled them, and that approbation which the distinguished prelate never could succeed in obtaining, nothwithstanding the high personal regard which was cherished for him by the Pontiff.

Dr. Brownson states that he does not complain because Bishop England wrote that the official infallibility of the Pope was not at that period an article of faith, but he regretted the statement in a document like that of the Constitution of the Diocese of Charleston, and he rejoiced

that it has been modified and corrected by a note bearing the initials of the present distinguished incumbent of that see: "The infallibility of the Pope is not of *faith*, i.e. has not been defined and declared an article of faith; but it is generally taught by theologians, and believed by the secular and regular clergy, and by the Christian people, that the *successor* of him for the preservation of whose faith Christ prayed never errs when he speaks *ex cathedra* in declaring the Christian doctrines, or the principles of Christian morality. I.A.R."

Section II now proceeds to apply the principles of Church government to the parishes or districts of the diocese. Originally the whole diocese was divided into three districts—North Carolina, South Carolina, and Georgia. In each district was formed for the management of the temporalities a Vestry, consisting of the clergymen of that district, and a number of laymen to be chosen by the members of that district.

Section III goes straight to the point at issue between the bishops and the trustees in other dioceses where discord had arisen in the matter of jurisdiction. The first law laid down by Dr. England swept away the cause of all such dissensions—"We acknowledge that the

right and power of appointing clergymen for the performance of spiritual and ecclesiastical duties, to and in the several districts of the Diocess, belongs to the proper Bishop." No priest was to be received by any congregation unless appointed by the bishop who also had the untrammelled right of removing priests *ad nutum episcopi.* No request for the removal of a priest on the part of the laity would have any effect until the bishop had acted juridically in the case. Another regulation which shows the prudent legislator who had profited by the disorders outside his diocese, considered any priest who had been suspended, but who had appealed to a higher ecclesiastical tribunal, "as suspended or incapacitated until the proper ecclesiastical tribunal to which the appeal may have ben carried, shall have set aside or reversed the original suspension or incapacity." This removed the *abusus appellationis* of which Maréchal speaks so strongly in his correspondence with the Sacred Congregation.

Title III—On Property opens with a foreword on the necessity of supporting the clergy in the performance of their ministry.

> The clergymen of our Church are, by reason of their sacred office, precluded from following after the pursuit of worldly gain in traffic; their youth is spent in study and reflection; their time, from entering upon the ministry, is devoted to the spiritual welfare of the flock; which requires much reading, deep thought, frequent meditation and earnest prayer; this care is generally accompanied with much mental anxiety, and subjects them to repeated contradictions, harrassing and opposition from weak brethren and from gainsayers. Moreover, they are obliged to undergo much bodily fatigue; are at all moments bound to give immediate and painful attention to their sick brethren, and are frequently exposed to the danger of contagion; for which reasons they are deemed worthy of competent and respectful support according to the means of those whom they serve; not to be given grudgingly and sparingly as a bare relief of their present necessities, but to be contributed with cheerfulness and generosity, to supply their present demands, and to enable them also to relieve the wretched and needy whose expectations from the clergy lead them to frequent appeals to their commiseration, and also to assist them in making some provision for the time of sickness, and the helplessness of old age. The experience of eighteen centuries hath taught us that from the circumstances of our clergy,

not having families for which they would be bound to provide, the greatest part of their superfluous income, when they did receive more than was necessary, was expended in building and endowing churches, hospitals, schools, colleges, and other useful establishments, to the manifest advantage of the Church, of learning, of the poor, of civilization, and of society at large; whereby it is apparent that the liberal support of an active clergy of our Church, is not only doing justice to themselves, but is moreover laying the probable groundwork of much public benefit.

There are four Sections under this third Title—Section I treats the *Separation of Funds and Duty of Contribution.* One inconvenience in the past and a source of much dissatisfaction had arisen from the placing of the temporalities of the church or congregation in one fund from which expenses of every description were defrayed. Dr. England decided that in future all funds should be held in separate and independent accounts, for their several specific objects. Section II speaks of the *Mode of raising, securing, and managing Funds.* No expenditure was permitted without the consent of the bishop or his vicar, and the Vestry was to have no power to impose or levy any Church tax without the written consent of the Ordinary. Section III describes *How Funds for the Support of the Clergy are to be disposed of,* and in the six regulations under this head Dr. England met and solved all the difficulties which had caused trouble in Philadelphia and elsewhere during the preceding decade. In Section IV a departure is made —the creation of a *General Fund for the Church of Charleston,* to which fund every Catholic was obliged to pay the sum of fifty cents quarterly, in February, May, August and November. The purposes of this general fund were:

1. The erection or improvement of the Cathedral, as being the great Church of the whole Diocess.
2. The aid of students in theology, especially by the erection and support of a Seminary, as being absolutely necessary to insure the Diocess a supply and succession of good clergymen.
3. Giving aid to missionaries to preach the Gospel and to administer the sacraments in remote, poor, and neglected parts of the Diocess.
4. Giving aid to small or poor Congregations or Parishes,

in the erection of Churches, or other works of religion; but this should rather be by loan than by donation.

5. Giving aid to such religious communities, associations or establishments as are calculated to promote the interests of religion by public edification and instruction.

6. Giving aid to such schools as should be established, not merely to teach human sciences but also the knowledge of the true faith, and the way to eternal life.

7. The solace and aid of well-conducted destitute widows, or aged and infirm members of the Church.

8. The protection, education, and aid of orphans or destitute children of the Church.

9. Any other purpose that the principles exhibited in the above enumeration may justly embrace.

This general fund and all property acquired for these various purposes were to be vested in a board to be entitled "The General Trustees of the Roman Catholic Church of the Diocess of Charleston." Of this board, the bishop was *ex officio* President; the Vicar-General was *ex officio* Vice-President; and the members of the board were to consist of five other clergymen elected by the clergy at the annual convention and of twelve laymen chosen by the lay delegates at the same time. The treasurer was to be bonded, and the local collectors for the general fund were likewise to give security to the general trustees, if the local vestry should deem it proper. The board of general trustees had no power to expend money from the general fund "except in conformity to an order or act of the general convention of the church," unless an emergency should arise which would warrant the expenditure of a small sum "prudent and beneficial to the church." But even to authorize this expenditure the assent of the President and six of the general trustees was necessary.

In the last Session of the State Legislature of South Carolina in 1823, the General Trustees of the Roman Catholic Church of that State were incorporated (December 23, 1823) with the following officers: The Right Rev. Dr. England, (*ex officio*) President; Rev. John McEncroe, Vice-President, Rev. Edward Swiney, Rev. Timothy McCarthy, and Rev. John Bermingham, Dr. Edward Lynch, Dr. James C. W. McDonald, Alexander England, Bartholomew

Clark, Antonio Della Torre, and Peter L. Jumelle. Treasurer of the General Fund, John M. Murray.[38]

In many of the more critical analyses sent to the Holy See on the trustee evil in the United States there is the reminder that the rebellious members of these boards in the various cities of the United States were beyond the influence of the bishop and priests, since they had either secretly or publicly given up the faith. To offset this danger in his own Diocese, Dr. England in Title IV enters into details on the question of MEMBERSHIP. The qualifications (Section I) for membership in the Diocese were as follows:

1. That he be a man of at least twenty-one years of age.
2. That he be baptized.
3. That he be free from Church censures.
4. That he have subscribed his assent to this Constitution, and
5. That he be a resident within the Diocess or a clergyman having Spiritual jurisdiction therein.

If any member of the Church desired to obtain a certificate to the effect that he was in good standing, it was to be given to him by the proper authority, and such a certificate would be valid for any part of the diocese. Only those who fulfilled all the above qualifications were allowed to speak in the local district or in the general conventions and to vote on church affairs. Membership might be lost (Section II) if any Catholic were guilty of defection from the doctrine of the Church, of wilful and deliberate opposition to its discipline, of aiding an unauthorized clergyman to perform any religious service in the diocese, of annoying or obstructing any authorized clergyman in the discharge of his religious public duties; if he were canonically censured, or if he refused for the space of twelve months to contribute to the support of the Church.

In Title V—on DISTRICT CHURCHES, there are three Sections—on the creation and regulation of these churches, on the mode of proceeding, the power and the duty of the vestry of these churches, and on the duties of the vestrymen. Only the bishop had the power of erecting a new congregation. The vestry was to be elected by members in good standing, and those elected were obliged to subscribe in writing before competent authority their assent to the Constitution. Each separate or district church had the right to

[38] *Miscellany*, vol. II, p. 16.

make by-laws for its own special needs, but these required the approval of the bishop. In electing vestrymen, the president of the meeting was to be the principal clergyman of the district; the assent of the majority of the lay-members was necessary to all valid acts of the vestry. The vestry had the right of electing the organist, the sexton and other lay officers of the church, and of appointing their own secretary, treasurer, and the church-wardens, but the bishop had the exclusive right to suspend any of these minor officers. Annual accounts of each parish were to be sent to the bishop before the first Sunday in January. In case the congregation desired the removal of its duly appointed pastor, a definite mode of procedure was laid down, and freedom of action was assured to the local vestry. In no case, however, was the complaint to be published without the written consent of the bishop.

We have now come to the final and undoubtedly the most interesting Title (VI)—THE CONVENTION. Each year in some convenient place of the diocese, designated by the bishop, and at a time appointed by him, a Convention of the Church was to be held. The bishop was to give a public notice of the meeting at least two months in advance. Those clergymen who were entitled to take part were invited by letter. There were three separate parts in the Convention—The Bishop, the House of the Clergy, and the House of the Lay Delegates. All the clergymen of the diocese who were not exempt from the spiritual jurisdiction of the bishop were expected to participate in the meeting of the House of the Clergy, over which the priest highest in dignity, or the senior in ordination, was to preside. The House of the Lay Delegates was composed of laymen sent from the various parishes or districts, which were graded according to their Catholic population as districts of the first rank with four delegates, districts of the second rank with two delegates, and districts of the third rank with one delegate. Each district was to pay its proportionate share of the expenses incurred by the Convention.

The House of Lay Delegates chose its own president for the meeting, and each house appointed its own officers and servants and its programme of business. When a majority of both Houses had assembled and their presidents were elected, they informed the

bishop, who then named the precise time for the opening of the Convention.

The Convention was opened with a Solemn High Mass, at which Dr. England always preached. Before the blessing at the end of the Mass, the Presidents of both Houses, standing in the presence of the bishop, read and signed the declaration and promise of loyalty to the Constitution of the Diocese of Charleston; then the members of each House signed the same, and after Mass the Convention was formally begun. Neither House might adjourn without the bishop's consent; and once adjourned, neither House might convene again, without his permission. The powers of the Convention were strictly defined. It had no authority to interfere respecting any of the following subjects, viz.:

1. The Doctrine of the Church.
2. The Discipline of the Church.
3. The Administration of the Sacraments.
4. The Ceremonies of the Church.
5. Spiritual Jurisdiction.
6. Ecclesiastical Appointments.
7. Ordinations.
8. The Superintendence of the Clergy

To avoid the suspicion of or the danger of accusation from those who were not cordial to his methods, Dr. England stated in clear language in the Constitution that the Convention was not to be considered as a portion of the ecclesiastical government of his diocese. The two Houses were "to be considered rather as a body of sage, prudent, and religious counsellors to aid the proper ecclesiastical governor of the church in the discharge of his duty, by their advice and exertions in obtaining and applying the necessary pecuniary means to those purposes which will be most beneficial, and in superintending the several persons who have charge thereof; to see that the money be honestly and beneficially expended; wherefore the Convention has the following powers, viz.:

1. To dispose of the general fund of the Church in the way that it may deem most advantageous.
2. To examine into and to control the expenditures made by its own order or by that of a former Convention.
3. To examine into, regulate and control, with the exception of their spiritual concerns, all establishments of its own crea-

tion; or which being otherwise created may be regularly subjected to its control.

4. To appoint the lay officers and servants of such establishments.

5. The House of the Clergy has power to examine into the ecclesiastical concerns of such establishments and to make its private report thereon to the Bishop or Vicar, together with its opinion and advice, but such report or advice shall not be published in any other way, without the consent of the Bishop or Vicar first be had and obtained in writing under his hand and seal.

No act was to be considered valid unless it was passed by the majority of the two Houses and then assented to by the Bishop.

The Declaration to be made by persons entering into office was as follows:

I do solemnly promise and declare that I will, in all things, to the best of my knowledge and ability, observe and maintain the doctrine of the Holy Roman Catholic and Apostolic Church, and especially the discipline and statutes of the Diocess of Charleston, and the Constitution, laws, rules and correct usage of the same.

Also, that I will, to the best of my knowledge and ability, discharge the duties of [here name the office] for the benefit of religion, the welfare of the Church and the promotion of virtue; and I will diligently consult how those great objects may be furthered, and that in all my expressions of personal opinion and votes I will endeavour to further the same.

And, also, that I will honestly and conscientiously concur for the promotion of religion, in all appointments to places and offices under the Constitution of the Church, and in all the collection and expenditure of money and in the examination of accounts, and generally that I will discharge the duties of the said office truly, honestly and diligently to the best of my ability and knowledge, for the welfare and credit of the Church and the honour and glory of Almighty God.

Fifteen Conventions were held at Charleston for the District of South Carolina (1823-1838). Eight were held at Augusta for the District of Georgia (1826-1835), and two at Fayetteville for the District of North Carolina (1829-1831). Three General Conventions of the Diocese were held at Charleston, in 1839, 1840, and 1841. The problems met in these Conventions were practically the same on a smaller scale as those which have occupied the minds of our

bishops in the United States since that time: Catholic education, elementary and secondary; seminary training and the formation of a national clergy; social welfare work among the laboring classes; the care of the poor, the ailing, and the immigrant; watchfulness over legislation during anti-Catholic movements; the defence of the Faith and of Catholic moral principles; the spread of Catholic literature, and the support of the Catholic press.

Of the twenty-seven Conventions that met under Bishop England's auspices from 1823 to 1840, we have the records of all but the first in the pages of the *Miscellany*. To read the annual addresses of Bishop England at these Conventions is to read the intimate story of the Church in the Southland. Practically every aspect of Catholic life in the nation is mentioned in these excellently prepared papers. They are a retrospect of the year that was passed and a prospect of what was to be done in the coming year. One note can be heard, quite clearly, above the rest of the harmonious co-operation between the bishop and his flock—the necessity of rearing the young in the best spirit of American idealism. Dr. England has summed up for us the result of the Conventions in the following paragraph taken from his address before the thirteenth Convention of South Carolina, held in January, 1837:

> My brethren, thirteen years have elapsed since this Constitution has, by our solemn act, after repeated deliberations, become the rule of our proceedings. By its provisions the limits of our several powers and duties are accurately defined; it has prevented discord, it has banished jealousy, it has secured peace, it has produced efforts of co-operation, and established mutual confidence and affection between our several churches, as well as between the bishop and the churches, and by confirming the rights of all, it has insured the support of all. So long as its provisions are exactly and scrupulously observed, it is hoped that those blessings will also continue, but if a deviation be once made from its principles, I fear much that we should thereby be thrown into a chaos of uncertainty.[39]

Out of many comments on the Charleston Constitution the following is taken from a letter to Bishop England written by Bishop Rosati, December 7, 1826:

I have received the copy of the Constitution of the R. C.

[39] *Miscellany*, vol. XVI, p. 225.

Church of South Carolina which you have favoured to send me by the last mail. I am very much obliged to your kindness, and I think it my duty to offer you my sincere and hearty thanks for it, as well as to express here how much I have been gratified by the perusal of it. The wisdom and prudence with which, without deviating in the least from the most approved general discipline of the Catholic Church, you have framed it, in such a manner as to adopt such regulations as will, if carried into execution, secure to your flock the deposit of faith; to ecclesiastical jurisdiction, respect and submission; to the clergy, honour and support; and to Religion at large, propagation and stability. I congratulate, therefore, your Diocese for all these blessings, and pray Almighty God to preserve to it the pastor to whom, after God, it owes them.[40]

Dr. Brownson, writing in 1850, summarized the good effects of Bishop England's constitutional government in the following paragraph:

The organization of the Diocese of Charleston, which was effected by the late lamented prelate, is developed in the constitutions of the local churches of the various States which composed it, in the address of the Bishop to the Conventions assembled from year to year, and in the proceedings of those bodies. . . . The praise of much legal knowledge, and great skill in adapting the ecclesiastical system to local institutions and usages, must be awarded to the learned author of the constitutions. The candour of his statements, the force of his appeals, the beauty of his descriptions, the thrilling power of his eloquence, will be acknowledged by all who read his addresses. The proceedings themselves bear a formal and solemn character, which, in some circumstances, would have been highly impressive. The assembling of the lay delegates in one house, and of the clergy in another; the declarations of adhering to the constitution, formally made by the officers in the hands of the Bishop, who presided with princely bearing, the conferences and reports of the two houses; and the confirmation of their acts by the prelate; all these forms and acts would have been of the most imposing character, had the Catholic population been great, the resources of the diocese considerable, the representatives numerous and influential, and the building in which they assembled suited to the grand occasion. But where the Catholics were few, and scattered over a vast territory, with limited means, the system could not be tested to advantage, and a feel-

[40]Diocesan Archives of St. Louis, sent to me by the Rev. Dr. Souvay, C. M.

ing of disappointment necessarily arises on finding that scarcely anything was accomplished by the committee charged to raise funds for general purposes. One great benefit, however, resulted from these annual assemblies. The trustee system, which had inflicted such dire evils in the diocess of Charleston, as well as in several other dioceses of the Union, was curbed and broken; the unlimited control of laymen over church property and funds was subjected to the provisions of a constitution which regulated their rights and privileges; and the representative system was adopted in a way to satisfy the cravings of a few for distinction, and yet to make them weary of the trouble and formality. In the mind of the illustrious prelate the constitution was the sovereign remedy for the pretensions of laymen who encroached on sacred ground; and such, in fact, it proved to be, when managed by one who possessed so much energy and such personal influence.[41]

The Conventions were not continued after Bishop England's death in 1842. The lapse of two years before the appointment of his successor, Ignatius Reynolds, brought the well-regulated diocesan administration of Dr. England to a standstill, and the annual meetings of the Diocese of Charleston were not resumed.

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[41] *L. c.*, pp. 141-144.

CHAPTER XIII

Bishop England and the Hogan Schism (1821-1822)

It would be highly interesting if we possessed a record of the conversation that took place on August 31, 1821, when Bishop England reached Baltimore for the first time and presented himself to his Metropolitan, Archbishop Maréchal. Tradition has it that, in the *Ordo* for that day, Maréchal wrote one word summing up his estimate of the young bishop; but this little volume has long since disappeared. In his *Diurnal*, Dr. England says nothing beyond the mere fact that he "saw the Archbishop and many of my other friends." Knowing that his journey to New York would carry him through Philadelphia, it is to be presumed that the state of the Church there was discussed by the two prelates.

Bishop England came to Baltimore from Norfolk, where Bishop Kelly had given him many details of his own six weeks' stay there towards the close of the preceding year (1820). Archbishop Maréchal had been kept duly informed of all the incidents of the schism by Bishop Conwell, and was able to tell the Bishop of Charleston all that was needed to be known about Philadelphia.

Bishop Henry Conwell arrived in Philadelphia on December 2, 1820, and took possession of the long vacant See (1814-1820). His appearance at High Mass in St. Mary's Church, the following morning (Sunday, December 3) was a great joy to all his flock. The long delay was ended at last, and on all sides the feeling prevailed that the troubles of the past six years were over and that a new life had begun.

That Sunday morning was to witness, however, not the close of Philadelphia's sad uncertainty, but the beginning of one of the most turbulent episodes in the American Church. The preacher on this solemn occasion was Father William Hogan, who had been accepted into the diocese by the Administrator, Father De Barth. "On this occasion he made a severe and sour attack on Father De Barth, then seated in the very sanctuary to which he had admitted Father Hogan

as pastor..... Just what the preacher then said in the guise of personal attacks, has not been preserved in any of the records." Hogan's reputation had been sullied before the coming of Dr. Conwell; and the venerable prelate, though cognizant of these murmurings against the pastor of St. Mary's, prudently did no more at the time than to suggest the advisability of his living in community with other priests. This Father Hogan flatly refused to do, and in a sermon on the following Sunday (December 10) used such offensive language that Dr. Conwell could not hesitate to take action. On Tuesday, December 12, 1820, the bishop called the priests of the city to his house, and in their presence withdrew Hogan's faculties. On December 14, 1820, Father Hogan wrote to Archbishop Maréchal his statement of the affair at St. Mary's:

Most Revd. Sir,

An unpleasant circumstance has occurred since the arrival of our hearty Bishop, it is the following precisely: on last Sunday I imprudently & unthinkingly mentioned from the pulpit that there were now three clergymen in the parish & that I would preach every Sunday in the afternoon and every third Sunday morning. The Bishop considered this an insult offered to him, and on the day following, without requiring an explanation or giving me any admonition suspended me in presence of three priests for *attempting to cause a schism.* Allow me to request your Lordship's interference, otherwise scandals must arise inevitably & religion will be the victim. Meetings are already taking place as in the time of the Rev.... I cannot prevent them, and therefore beg of you in the name of the founder of our Holy Religion to interfere. May I beg of your Lordship to recollect that since my arrival here machinations have been on foot to injure me by some of the priests. They represented the worthy Mr. De Barth to me as anything but a good priest, & they represented me to him as something worse. They have represented me as — proud and imperious, as fond of society & everything bad. Our Bishop had scarce been among us when they came round him in like manner. But, Most Revd. Sir, no matter what injury I suffer, I will bear it for the love of God. I am satisfied to become the victim, if religion is shielded by your interference. Our good Bishop little knows the fatal effects of meetings of the Laity in this country—allow me again to request your interference. Some hundred of the people have met last night, reports are alarming. I am satisfied to do anything to prevent scandal. If he would even allow

me to resume my faculties for a time & quiet the present tumults, I would shortly resign and quietly retire from this city to some other mission. I never ambitioned stopping here. I will expect your Lordship's answer as soon as you think proper.

Your Lordship's humble servant,
WM. HOGAN.

Efforts were made by leading Catholic members of the congregation (Mark Frenaye, John T. Sullivan, John Doyle, and others) to bring about a reconciliation between Father Hogan and the bishop. But Dr. Conwell would not recede from his stand in the matter. He was determined to be rid of Father Hogan who would, he said, "be a very useful man in any other diocese." The breach was now open. The long scandalous history of the Hogan schism began. A dreary, uninteresting, and highly disheartening path now opens up for anyone who has the desire and the courage to make his way through the shoal of pamphlets published from December 20, 1820, until the coming of Francis Patrick Kenrick, in 1830, as coadjutor-Bishop of Philadelphia. It would take us too far afield to describe in detail the growth of the schismatic movement. Our present interest lies rather with Bishop John England's part in the schism.

On January 16, 1821, Hogan wrote to the Archbishop to complain that his former appeal had not been answered, and he called upon Maréchal to have Dr. Conwell and himself brought before an ecclesiastical court. The Archbishop replied (January 21) as follows:

> After the public appeal you have made to the congregation of St. Mary's by the most abominable pamphlet that has ever disgraced the Church of God in this country, you have no longer any right to call on me as Metropolitan; no, not even under the vulgar pretext of your being innocent and persecuted.[1]

Hogan published shortly after his removal from St. Mary's by Dr. Conwell a first "Address to the Congregation of St. Mary's." A second pamphlet, entitled "A Continuation of an Address to the Congregation," appeared on February 2, 1821, and this contains a eulogy of the new Bishop of Charleston, written no doubt by Hogan to influence that prelate's judgment on the case:

> It is time to crush that selfish spirit which would proscribe talents and subject him who possesses them not only to suspen-

[1] *Records* (ACHS), vol. XXIV, p. 228 (Griffin, *Life of Bishop Conwell of Philadelphia*).

sion but even to episcopal contempt; and was there a more auspicious moment than the present; a star has arisen in the South, the lustre of whose brilliancy will disperse those clouds of unmanly envy, low jealousies and provincial prejudices that have for a long time lowered over our religion in this country, and impeded its progress. The Right Revd. Dr. England, lately of Cork, and now Bishop of Charleston, the disinterested Cleric and accomplished Gentleman, will not be an unobservant spectator of these proceedings. No, his soul is too noble, and his heart too pure; indeed may the people of Charleston say, in the inspired language of the Psalmist, *It is the day star from on high that has come to visit us; it is the morning spread upon the mountains.* With such a Prelate in this country, it is fondly to be hoped our religion will flourish; with such a parent to advise them its children will not disobey; with such an orb to light them its Prelates cannot stray. Would to God some kindred spirit would whisper to him the necessity of settling these differences that disgrace our religion in this northern hemisphere; which would prevent its yet feeble stream, which has already begun to flow, from rising to its destined heights; but we are denied this blessing.[2]

An "Independent Catholic Church" was set up soon afterwards by Hogan, and it was only a question of time before its leader and its members would fall under the penalty of excommunication. About this time also (February 6) Hogan wrote again to Archbishop Maréchal, demanding "justice," and across this letter, Maréchal has written: "A liar and hypocrite." A committee of the congregation wrote (March 13) to the archbishop asking him to intervene, and Maréchal's answer (March 15) contains a clear-cut appreciation of the Hogan case:

Gentlemen,

I am very sorry to be under the painful necessity of informing you, that my jurisdiction as Metropolitan does not extend to this case, which is now the source of the enormous scandals now existing in your city. But if, for want of competent authority, I cannot as the head of this ecclesiastical province, pronounce upon it, I may, however, as a Catholic prelate, and your sincere friend, tell you that, independently of the charge brought against Mr. Hogan, his infamous pamphlets exhibit enormous and manifest proofs, that he is a most abandoned character, and that, by defending his cause, you cannot but in-

[2] *Ibid.*, p. 233.

fallibly involve yourselves, your families, and, perhaps, many hundreds of your fellow Christians, in guilt, and boundless spiritual misery.

Surely it would be infinitely more grateful to me, to give you an answer more consonant to the sentiments expressed in your memoir; but my duty to Almighty God, my attachment to the Catholic Church, and my ardent wish for your temporal and eternal happiness, do not permit me, in so momentous a case, to speak to you in any other language but this of plain truth and episcopal sincerity.

I am Gentlemen, respectfully,
Yr. obt. humble servant,
✠ AMBROSE,
Archbishop of Baltimore.

To John Leamy, Esq.
John Ashley, Esq.
Joseph Dugan, Esq.
M. Doran, Esq.
Tim'y Desmond, Esq.[3]

On March 20, 1821, Hogan wrote to Bishop Conwell proposing "another plan of reconciliation, which, if my ideas of justice and fraternal charity be correct, you will unhesitatingly approve of. Send for the Rt. Rev. Dr. England of Charleston, and the Rt. Rev. Dr. Cheverus of Boston, let the plain statement of facts and circumstances be laid before them and let you and me be bound to abide by their decision."[4] No answer was given to this suggestion, and Hogan published his "plan" in a third pamphlet. When Bishop England saw it, he stated in a letter dated April 12, 1821:

> I know not what may be the original fault in the Church of Philadelphia nor have I a right to pass judgment upon a case out of my own diocese; but I have been horror-struck at reading the publications which Mr. Hogan and his associates have disseminated. May God help the unfortunate Church of Philadelphia. It would be a great blessing if every vestige of what has been called Catholicity in this country were blotted out, and that the field were left open and free to begin the preaching of the Gospel with the experience of the evils which have existed. The root of the evil lies deep, and if the Bishop and Mr. Hogan were both in Eternity and St. Paul and St. Timothy

[3] *Ibid.*, p. 243; original in Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 6, no. 18.
[4] *Ibid.*, p. 353.

in Philadelphia they could not establish the Catholic religion upon the foundations that are laid in that city, and whilst they subsist there can be no good done; you have but one course to follow which is to attend to yourself, and leave the care of governing the Church to those whom the Holy Ghost has commissioned for that purpose.

I am &c. &c.

✠ J. B. of C.[5]

This letter was made public by Dr. Conwell; and on April 28, 1821, Hogan issued a rejoinder in the *Aurora*, severely criticizing the Charleston prelate. Dr. England lost no time in replying to Hogan through the same newspaper, and it is evident that Dr. Conwell had not been altogether fair in giving Bishop England's letter to the public:

Some friend has had the kindness to send me your letter of April 28, containing an address to me by the Rev. William Hogan, in which he states that a letter bearing my signature has appeared in a public print of your city, by which it appears, that I have, from the base and malignant misrepresentations of his enemies, condemned him unheard.

As I have, in your print, been brought before the public, I trust to your justice, for the space of a few lines in explanation.

I cannot conceive how my letter, bearing my signature, appeared in a public paper, as, since I came to America, until now, I have not, except in this present instance, authorized the insertion of any letter in any public print.

I never wrote or expressed a condemnation or acquittal of Mr. Hogan in his disputes with the Bishop of Philadelphia, for these reasons:

First, I was never applied to for the purpose. Secondly, I have in my individual capacity, no authority to ascertain the case; and, Thirdly, I do not, even at this moment, clearly understand the state of the dispute. I may add a fourth: I have more duty to perform than I can well attend to; and much as I regret the irregularities of Philadelphia, I am not anxious to volunteer in the concerns of another diocese, unless canonically called upon.

I have written a private letter to the Bishop of Philadelphia; but thinking that it was not usual to publish such a letter without the writer's leave, I did not anticipate the honour of again appearing in print in Philadelphia. I had been previously brought forward by Mr. Hogan, in a way that made me think

[5] *Ibid.*, pp. 353-354.

I owed an explanation to the Bishop whom he assailed in his pamphlets. I accordingly wrote, as well as I can recollect, for I have not taken a copy of the letter, that although I was quite ignorant of the nature or merits of Mr. Hogan's case, I was shocked at his publication, and regretted finding my name introduced therein, and begged to assure Dr. Conwell, that its introduction was wholly unauthorized on my part; the expression of these sentiments was more diffuse, and the letter contained other matters, but I am quite certain that I used no other expression of condemnation; though I might have formed an imperfect opinion of the case from Mr. Hogan's pamphlets, and those of his supporters, which are the only documents that I have received.

I have passed no judgment of condemnation, or acquittal; nor has this notice, imperfect as it may be, been founded upon the base and malignant misrepresentations of Mr. Hogan's enemies, unless he be pleased to bestow the epithet with its accompaniments, upon those adepts in writing, who have been kind enough to write a pastoral charge for the Bishop, that they might subsequently review it. I shall not dispute the propriety of styling them Mr. Hogan's enemies; I am inclined to believe they are so.

Mr. Hogan cannot complain of any injustice or impropriety in my expressing in a private letter, as I now do in a public document, my opinion upon published books, treating of a subject which he was kind enough to admit, I understand, and in the principles of which, I am deeply concerned. I have no hesitation in stating that the writers of those books and the writer of this letter, are at perfect variance as far as the latter can understand the case treated of, as to the meaning and application of the quotations from canon law in the pamphlets, and supposing every fact stated in the pamphlet to be unquestionably true, still their publication was not only unwarrantable, but as I humbly conceive, deserving a more severe epithet than I would wish to use.[6]

A long *Memorial* to His Holiness, Pius VII, dated April 10, 1821, which seems to have escaped the notice of the Philadelphia historians, gives a detailed statement of the schism from the Hoganite standpoint.[7]

In this country [the trustees wrote to Pius VII], it is all important to our Holy Religion that we shall have Pastors and

[6] *Ibid.*, pp. 359-361. For further correspondence, cf. Finotti, *Bibl. Cath. Amer.*, p. 144.

[7] Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 6, no. 32.

Prelates of eminent talents and large resources, men cultivated with moral, physical, and metaphysical science — men trained in eloquence, men capable of preaching revealed truth impressively. Such pastors only are qualified to establish and diffuse our Holy Religion in this country. Such pastors only can be the efficient guardians of its welfare. Such a Pastor is the Right Revd. Bishop Cheverus of Boston ["Bishop Connolly of New York" *is erased and the Boston prelate's name written over it*] and such in an eminent degree is Bishop England lately appointed by His Holiness to the diocese of South and North Carolina and Georgia; the transcendent abilities of this Prelate, if placed over this division of the Union, would shed a lustre on Religion.

Only one outcome was patent to the trustees, unless the Holy See removed Dr. Conwell at once — "a more awful, scandalous, and disgraceful scene of Bloodshed."

Archbishop Maréchal had frequently appealed to Bishop Poynter for advice and assistance, and in one of the letters from the Vicar-Apostolic of the London District we catch a glimpse of the effort being made to secure a truthful representation of the American troubles at Rome:

I am honoured with your Grace's favour of 30th March & I received at the same time the pamphlets which you were pleased to send me. I do most sincerely sympathize with your Grace in the great afflictions which you have to suffer at the sight of the spiritual calamities with which you are unhappily surrounded. I pray that the Almighty Prince of Pastors & Protector of his Church may support and console your Grace under these trials & may give success to your zealous endeavours to remove the evils which threaten the Church in the United States. I have forwarded your Grace's letter of 30 March, to Mr. Gradwell at Rome who is now your agent as well as mine. I shall have an opportunity in ten days time of sending the Pamphlets also to him. I desired Mr. Gradwell to use his accustomed prudence in communicating to Card. Fontana the substance of your letter. But I accompanied it with some very strong observations which I requested Mr. Gradwell to impart to Card. Fontana & which I hope will have the desired effect. I have exposed to his view in the strongest light I could the dreadful evils caused to religion by these Irish adventurers who, encouraged and supported by Irish Trustees & others of independent & revolutionary principles, become the scandal of the Church in causing divisions among the people & raising opposition to Episcopal authority.

I observed that the system on which they were acting tended to open schism & a declared separation from the centre of Catholic communion. But what I particularly insisted on was the absolute necessity of the Propaganda's supporting the Bishops in the United States & of never acting on the reports or suggestions of intriguing adventurers or their agents at Rome before it had received the opinions and advice of the Bishops concerned. I took the liberty to observe that this precaution became most singularly necessary when the question was concerning the election of Bishops for vacant Sees or the erection of new sees, & that it was also of extreme importance as often as complaints were brought to Rome against the conduct or government of the Bishops. I could not help remarking how much we had had to suffer from the facility with which the Propaga. had received reports against some of the Vicars-Apostolic in England & from the support consequently given to those who opposed our authority. From our own experience also, I spoke of the evils which must follow from the doctrine & pretensions of certain Trustees who maintain that they have a *jus patronatus* or as they call it *quasi-patronatus* to appoint Pastors. The English Vicars-Apostolic have made strong remonstrances against such doctrines & pretensions, which cannot be admitted in principle or practice in our country, & which lead to the greatest disorders when these Trustees, who are not judges of the qualifications requisite in Pastors of souls invite whom they please to take charge of a congregation. Mr. Gradwell is up on all these subjects & will not fail to urge the observations and suggestions which I have thrown out in my letter. I have called the attention of Card. Fontana in a particular manner to the afflicted state of the Church at Philadelphia. I gave in advance an account of the spirit and tendency of the Pamphlets which I am going to send to Rome that the Card. might be duly sensible of the dangerous state into which that church is thrown. I am sure he now sees the cause of the evil & I am fully confident that he is anxious to prevent it in future. But to remedy the present evil that actually exists in the Diocese of Philadelphia will require all the firmness and mildness, the zeal and prudence of your Grace. I pray and hope that the charitable & zealous exertions of your Grace may and will be crowned with success. Had the religious designs of your Grace been duly seconded, we should have had the consolation to see the happy influence of our Holy Religion spread over the United States in union & peace, & the Church indemnified by its victories in America for its losses on this side of the Atlantic. Let us hope, My Lord, that by the vigorous concurrence of the

> Propaganda with your Grace's exertions the evils and causes of affliction will be removed & our hopes will be realized. I shall feel great pleasure in doing any small service in my power.[8]

The first letter from Rome on the Philadelphia situation is dated July 28, 1821, and in it Dr. Conwell was asked to send all available documents on the Hogan schism to the Sacred Congregation. In one of his letters Dr. Conwell had placed against Hogan the most heinous of all sacerdotal crimes, and if sufficient proofs were to be given to the Holy See he was advised that no time should be lost in Hogan's condemnation by Rome.[9] Bishop Poynter wrote again (July 30, 1821) to Archbishop Maréchal, and in his chatty way says:

> I am deeply afflicted to learn the lamentable state of the poor Church of Philadelphia. I believe that what I am going to say will explain the mysterious cause of the spiritual calamities which have given your Grace so much affliction. But I pray that *my name may not be mentioned.* When Dr. Burke of Halifax was in London, in his return from Rome, he incautiously mentioned a plan then in contemplation, which was that Ireland should furnish Bishops and Clergy to the United States. The Irish Bishops were to recommend Bishops & to send Priests over to you. This was the plan & I think that this plan has in part been executed, especially by means of their intriguing Agents in Rome. I thought it my duty a short time ago to desire Mr. Gradwell to communicate this *secretly* to Card. Fontana, which he did, & the Cardinal's eyes are now open to the whole scheme. I must again request that Your Grace will not mention my name in this affair to any person. The plan as mentioned by Revd. Mr. Burke struck me with astonishment at the time.[10]

Anyone who has studied Maréchal's correspondence in the Baltimore Cathedral Archives must be struck with the accurate method in which the harassed archbishop kept a strict watch over all the insubordinate groups within the province. Sufficient documentary evidence has already been given from these Archives to prove that Archbishop Maréchal not only had passed the point of suspicion but believed firmly in the fact that his jurisdiction was being systematically disregarded and that the wishes of his suffragans were being ignored in the central bureau for the administration of the

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[8]BCA—Case 19-Q2.
[9]Prop. Arch., *Lettere*, vol. 302, fol. 320.
[10]BCA—Case 19-Q3.

Church in foreign lands — the Congregation de Propaganda Fide. He had received a blow in the formation of the Diocese of Richmond, and had felt his high post of ecclesiastical head of the Church in the United States cheapened by the action of Propaganda in nominating and consecrating for three of the Sees within his province prelates of whom he had never heard and who could not be in any serious way familiar with the essential causes of the schismatic tendency in the Irish congregations of the American Church.

All these events, recorded in the foregoing pages, and particularly those incidents in which John England's name figures, were known to Maréchal, as he faced for the first time the youthful Bishop of Charleston, on August 31, 1821. What he said and what England said, we do not know; but one thing seems clear: Dr. England had no intention in passing through Philadelphia of meeting the leaders of the two parties, Hoganites and Bishopites, as they were called in the general war of pamphlets then being waged in that city. His episcopal dignity would not have protected him, had he gone to Philadelphia with the purpose of intervening between the two parties; for, the trustees had been parading two singular characters during the summer of 1821, one, who had given up the priesthood and had become a manufacturer of cigars in Philadelphia, and who called himself the Right Reverend John Rico,[11] Vicar-General of the Armies of Spain, and the other, the Reverend Servandus Mier, who called himself Bishop of Baltimore.[12] Both these divines had been consulted by the trustees, and their "opinion" in favor of the rebellion against Dr. Conwell had been published. The trustees had tried to pass off Mier as a papal nuncio sent by the Pope to arrange for the independence of the Church in the United States.[13]

Bishop England reached Philadelphia about eight o'clock on the

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[11]*The Opinion of the Rt. Rev. Dr. John Rico, of the Order of St. Francis, D.D., and Vicar-General of the Armies of Spain, on the Differences existing between the Rt. Rev. Dr. Conwell and Rev. Wm. Hogan, Relative to the Canons quoted by him, and their application in support of his Claims to St. Mary's Church, with other Documents.* Pp. 11. (Original copy in BCA—22B—P2.)

[12]*The Opinion of the Rt. Rev. Servandus A. Mier, D.S.T., in the Royal and Pontif. Univ'y of Mexico, and Chap. of the Army of the Right, 1st Army of the Peninsula, On certain Queries proposed to him by the Rev. W. Hogan, Pastor of St. Mary's Ch., Phila.: July 11, 1821.* (Original copy in BCA—22B—P3.)

[13]Cf. Shea, *op. cit.*, vol. III, pp. 235-237.

morning of September 1, 1821. He met Father Samuel Cooper and some of the other priests, who asked him to preach. "I declined," he wrote in his *Diurnal*, "as the Bishop was not at home, and I was not sufficiently acquainted with the foundation of the divisions which agitated the Church." He left Philadelphia that same day, and arrived in New York on September 2. Three days later, he writes that he

> had an interview with the Rev. Anthony O'Hannan, late of the Diocese of Limerick, who as I was informed in Philadelphia was about to join Revd. Wm. Hogan, and in conjunction with a Mr. Spring of this town to open an Academy in Philadelphia, which I thought if effected would be the complete ruin of Catholicity in that city. Mr. O'Hannan satisfied me of the correctness of his moral conduct since his arrival in America, proved to me that was he disposed to join the Schism, he might have done so with great profit and that he was attached to Revd. Wm. Hogan from gratitude well earned, and private affection, but not only did not join in the Schism but did his utmost to prevent its evils, though oppressed by those who charged him with aiding and abetting what he did his utmost to restrain. He then mentioned to me that Revd. Wm. Hogan had followed me from Philadelphia to look for my advice, and entreated an interview, which I joyfully gave. Revd. Wm. Hogan in a confidential conversation of some hours' continuance gave me a detail of his case and feelings and dispositions, which ended by his pledging himself altogether to abide by my decision, if Dr. Conwell should be prevailed upon [*to grant?*] the examination of his case to me. I thought from his manner, statement, and the solemn pledges he made me, that if the Bishop did allow me to investigate and determine the case, I should be able to destroy a growing Schism. and to restore peace to the Church. I wrote to this effect to Bishop Conwell and intreated the necessary powers, and at the request of the Revd. Wm. Hogan, whom I wished to bind to me by kindness as well as from a confidence in his own principles, I received the Revd. A. O'Hannan into my Diocese.

The day following this interview (September 6), Bishop England arranged also for Hogan's acceptance of a place in the South. Unfortunately, Bishop Conwell had left Philadelphia on a visitation of the diocese, and when Father O'Hannan, who was acting as intermediary between the two bishops, reached Philadelphia, the whereabouts of Bishop Conwell were unknown. O'Hannan disobeyed

Bishop England's orders and appeared at a service conducted by Hogan in St. Mary's Church. Friends of Dr. Conwell now became alarmed; for, when Father Samuel Cooper opened Dr. England's letter to the Bishop of Philadelphia and made its contents known on September 9, the rumor was bruited around that the Bishop of Charleston had taken the side of the Hoganites in the city and had promised to carry their fight against Dr. Conwell to Rome. A letter was sent by one of the anti-Hoganites to Dr. England accusing Hogan of a criminal offense, and although Bishop England did not then believe the charge, it was quite evident to him that his intervention in the cause of peace would bring no cessation of hostilities. On the tenth of October, Dr. Conwell arrived in New York on his way to Canada to solicit funds for the new St. Joseph's Church, and Dr. England called to see him regarding Hogan. "I called on him at Mrs. Connolly's," England writes, "and had a long explanation to satisfy him on the object of my proposal of interference." Hogan was under excommunication at the time and the only concession Dr. Conwell would make was that if Hogan should enter the Charleston Diocese, he would give to Dr. England the power of absolving the errant clergyman from all ecclesiastical censures. But the Bishop of Philadelphia refused to allow Dr. England to act as judge in the quarrel between Hogan and himself, nor would he grant Hogan's demand for a trial before the ecclesiastical court of the Philadelphia Church.

What part Archbishop Maréchal took in these *pourparlers* is uncertain. He was in New York at this time, and sailed on October 14, 1821, for France on his way to Rome. The Metropolitan of Baltimore had other serious matters on his mind at the time, and there is nothing in his letters to show that he took even a passing interest in the Philadelphia troubles. He was not ignorant of the details, for Father Roloff, Pastor of Holy Trinity Church in Philadelphia, took unto himself the duty of keeping the archbishop informed on the details of the schism. For example, on September 11, 1821, Roloff wrote to Maréchal as follows:

Most Reverend Sir,

I do not doubt, you have received at this time the heart-breaking news of a Bishop of the South supporting the Schism of the North. Dr. England in passing through this City where

he stayed but for an hour. so that I had not even heard of his arrival before he was gone, expressed as I was told his most pointed disapprobation of Mr. Hogan's conduct, and in an anterior Letter to the Rev. Mr. Cooper denied him all claim of being any more a member of the Catholic Church; nevertheless quite on a sudden, and truly wethercock-like he turns to the persuasion of this party, of which there is a great part in New York, and received most graciously the Rev. Mr. Hanan an intimate friend of Mr. Hogan into his Diocese, and makes him the bearer of a most extravagant letter to our Bishop wherein the Right Rev. writer, as Mr. Cumisky informs me, does not deny indeed some culpability on the part of Mr. Hogan, but avers at the same time, that much may be said in his excuse, nay, he himself, the Bishop, does not know, what he should have done, had he been in the same circumstances. However the Breach, as he thinks, may yet be healed, if he shall be allowed to act as he thinks proper. This Letter was lost by the bearer in the Streets of this city and brought to Mr. Cumisky, who finding the testimonials of Mr. Hanan, and a transcript of the contents of the sealed Letter stuck into it, for the purpose undoubtedly of reviving the rather sinking spirit of the party, could not but think these circumstances very suspicious, and thought proper to make use of the express order he had of opening the Letters in the absence of the Bishop, though under other circumstances he certainly would have abstained from doing so, perceiving where it seemingly came from. But to his great astonishment, he found them to be genuine, and was soon yet more convinced by the most insolent demand, which Mr. Hanan made for these papers, asserting his being sure, that they were delivered to the house. Thus the Letters were given up, as further retention would have been useless. Letters were immediately dispatched to several places, where our Bishop may be supposed to be at the time, who had lately written from Pittsburg, but it is not likely he will be here soon enough for the present purpose. Rev. Mr. Hanan signified that he would give immediate notice to Dr. England of this occurrence, and wait his orders, whether he should proceed on his way to Dr. Conwell. It should be supposed the first condition before a Bishop could interest himself in favor of one in Mr. Hogan's situation, should be to leave off his sacrilegious ministry: But no! the forged proposition, that an unjust excommunication is rather to be despised, than dreaded was to be practically demonstrated under Dr. England's most evident sanction, though the pretended injustice, should not be allowed by any but the culprit and his party. Mr. Hogan was twice in quick succession

at New York, but does not seem to have been advised to an alteration of his conduct: Nay! The episcopal Emissary Mr. Hanan, who is recommended Omnibus Christi fidelibus, assisted at Mass in the Sanctuary of St. Mary's Church, and by his presence superseded the necessity of a Sermon on that Sunday, as it showed forth much better the legality of their proceeding, than the most labored attempt in the pulpit could have done it. It is happy, that Mr. Hogan had some Pseudo-Right Rev. Protectors before this; Rico, the Vicar general of all the armies of Spain, and Mier the Chaplain of the army of the Right, so that the faithful seeing the Bishop treads into the foot-steps of these worthy predecessors, suspect him to be of the army of the Wrong. Dr. England is soon expected back from New York, during his stay there, he is said, to write a preface of about 60 pages, and giving directions to the publisher of the American edition of the English Missal. I pity Mr. Creagh if it should prove to be as exceptionable as Mr. Taylor's last prayer book. Just now I am informed, that Hoganites today between the hours of 12 and 1 showed their triumph in a procession of 30 Carts with white flags flying and the horses curiously adorned to haule sand and stone to their Church to enlarge it in order to give more place for pewholders of their party; which enlargement is very trifling as the burying ground of Holy Trinity Church is in the way, and serves more to keep their spirits in a stir, than being worth the expense.

I thought it would be not superfluous to give your Lordship a confirmation of this unhappy affair but shall no longer detain your attention.[14]

This letter which Maréchal labels as "*most important on Dr. England*," was followed a few days later (September 15) by another in which we learn that Dr. Maréchal had inquired for further news:

No sooner did I receive the letter, your Lordship did me the honour to address to me, than I set upon enquiring for the papers which it is said and no one doubts, are circulating in Philadelphia, but they are sacredly, if I may profane the expression, kept amongst the hoganites, and Mr. Cumisky, who read the original, is gone for the Bishop to bring him back in time to this city. It is therefore not in my power to obtain the exact copy of them; but I shall correct for the worse what I have written before: Rev. Mr. Hurley says, he understood, Dr. England to state, that he does not know what he would do if he were in the same circumstances as Mr. Hogan is in; that if

[14]BCA—Case 20—E4.

Dr. Conwell would not accept his invitation he could not but think him more influenced by vindictive motives than by views for the good of the church, and that if it should be left to his arrangement, he would treat Mr. Hogan with more mildness than Dr. Conwell could expect. There is unhappily no reason left to doubt the authenticity of the letters presented to Mr. Cumisky. Mr. William H. Creagh who publishes the new Missal, writing to Mr. Hayden, mentions the great indignation of Bishop England which he signified at the opening of his letter to Dr. Conwell at Phila. I did not see this letter of Mr. Creagh; for Rev. Mr. Hayden is very much misled by the hypocritical attentions payed to him by the Hoganites, whose parties he attended and whose flatteries seem to be bestowed only, to detach him from that pulpit, where he gives satisfaction to a great number of those who are attached to the good cause. In his conversations with this hostile party he showed some imprudence, which justifies only cautious prudence. The day being Saturday I must beg pardon for the miserable scrawl I can afford and remain with the most profound respect, etc.[15]

Maréchal intended at first to leave for Havre from Philadelphia, and wrote to Roloff asking him to make enquiries discreetly about sailings. It is in Roloff's reply that we learn the details of the letter to Dr. Conwell which was opened in his absence and which caused so much confusion:

Philadelphia, Pa., Sept. 27, 1821.

Most Reverend Sir,

I began my last letter with giving notice that there is no vessel at present for Havre de Grace in this port; and I observed the caution desired in the inquiry, and was no question asked. But that in New York a vessel is announced in the papers, for which a readiness at a moment's call would be necessary, provided the port of New York would be equally suitable. 200 $ I am told by Mr. Sprenger would be probably necessary for the principal and servant, which Mr. Sprenger would inform himself of and fix by letter when the determination of the party in question shall be ascertained.

I proceeded to state that our Church affairs are in statu quo; but this is not altogether correct, as the church of St. Mary's from the last accounts of a Bishop's indulgent opinions begins again to fill, like a Balloon sometimes inflates anew at the sudden heat of the approaching earth, and bounds over the woods of the adjacent country to its final rest. I have mentioned, that

[15]BCA—Case 20—E5.

Dr. England subjoined a letter of his own to that of the printer Mr. Creagh on the same paper directed to the Reverend Mr. Hayden, wherein he will, that the mischief done, should be laid to the charge of him, who had opened his letter, though common sense should seem to fix the blame on him, who furnished a copy. The Reverend Mr. Cumisky returned from his journey, without being able to persuade our Bishop to hasten his arrival. He is determined to finish his tour through the Diocese, and confirm where he passes. He gave him a written power of opening the letters directed to him in his absence, and approved of what had been done, touching this point by his unwritten directions. The best intentioned people, with whom I would unite to stop the mouth of the multitude wish the Bishop were here, if it were only to receive the communications, Dr. England might be willing now to make, though it should be not personally, but by the instrumentality of intermediators, turning thus his meddling into a mediation by mediatorship. Amongst the clergy a wish seems to prevail for the inconditioned removal of the obnoxious individual to Charleston. But this I conceive would be the very demonstration of what they call the Bugbearism of excommunication, so much harped upon in this city, and unceasingly held out for public derision. If he should be placed in the full exercise of his functions in the South after he had held out to the last moment in his opposition and sacrilegious ministry at the North, without any sign of repentance and submission, what shall the people think of the censures of the church, or the so much deprecated criminality of this man's conduct? The former will become their confirmed laughing stock, whilst the latter will be looked upon as the mere creature of priestcraft to scare but the credulous. This is the language of all those, who pique themselves upon their resistance to all ecclesiastical control as tyrranical trammels unworthy an enlightened mind. But if Mr. Hogan should submit, and show repentance; any other mediatorship would be superfluous, which only tends to bring him off victoriously, from where he sees himself the mere tool of iniquitous men, and his continuance of unpromising perseverance. His conversion however cannot be thought of; it would be a miracle indeed in a man whose undeviating conduct bespeaks a mind utterly devoid of all faith. Rev. Mr. O'Hannan, who never expressed here his serious determination of transferring himself to the Charleston Diocess is gone to New York again, and Dr. England is expected every day in Philadelphia; but it seems rather he is determined to stay so long there, till he shall have received the news of our Bishop's arrival here.

For the meanwhile it might come in his mind to avail himself of the invitation; which he is said to have received from Dr. Cheverus. In this case it could be wished that the Bishop of Boston were more particularly informed of the relation Dr. England stands in with this Diocess; but I for my part should not like to meddle too much in this business. A grand Committee I am told is already appointed on the part of the Hoganites to receive him here and lay the state of the Church before him. They had another procession similar to the one I mentioned before. Mr. Taylor is said to be also at New York and to all appearance the South will soon be irradiated by a galaxy of transcendent genius, which the North cannot sufficiently appreciate. I beg leave, here to insert a copy of Dr. England's letter to our Bishop as correct as Mr. Cumisky's memory can afford it, who is confident it will not differ from the original in the important part, to which a copy is confirmed not only as to substance, but even to the expressions:

I had two interviews with the Reverend Mr. Hogan and although his usurpation of ecclesiastical authority is unjustifiable; yet many things may be said in extenuation of his faults. I myself know not what I might do, were I in his situation. Now, my dear Lord, it remains with yourself to heal the wounds, that have been inflicted, give me power to raise the excommunication of Mr. Hogan and the interdict of St. Mary's church. Give me power to give him permission that he may say Mass and perform the other functions of priesthood; and I will warrant that he will not be long a trouble to your Diocess. But my powers must be without restriction. If you will not acceed to my request; it will plainly demonstrate to me that you are actuated by vindictive feelings rather than by the general good of the Church.

Thus runs the letter in substance and nearly in expression.

Most Reverend Sir,
Your most humble and obedt. servt.,
Francis Roloff.[16]

The morning after Maréchal's departure for France, Bishop England left New York, accompanied by Father John Power, as his secretary. They stopped at Trenton to see Father Henry Doyle, to induce him to come to Charleston to assist in the Seminary which was soon to be opened. On their arrival in Philadelphia (October 16) Hogan and many of his supporters called on Dr. England, who refused to see the latter gentlemen, until he had arranged matters

[16]BCA—Case—E7.

with Hogan himself. Interviews took place during the next six days, and Dr. England soon discovered that he was dealing with a man who was "without faith, principle, or information, habituated to sacrilege, and supported by envenomed anti-Catholics under the disguise of the Catholic name."[17] Hogan's status as an excommunicated priest rendered it necessary for the Charleston prelate to exercise supreme caution in every act towards his rehabilitation. After several days' discussion, Dr. England stated his terms: Hogan was to write to him a formal letter (dictated by Dr. England) requesting admission into the Charleston Diocese; he was to leave Philadelphia at once for the South; he was to abide by Dr. England's decision for the time being regarding his former conduct and by the final decision of the Holy See on the same; and he was forbidden to exercise any sacerdotal functions in Philadelphia. All this Hogan agreed to; indeed, upon his knees in the presence of Reverend John Power and Reverend A. O'Hannan, Hogan professed himself "to belong to the Diocese of Charleston, to hold the Roman Catholic faith, to be contrite for his improper publications, to fulfil the injunctions of the Holy See, and to obey my judgment and decision upon his case and conduct, upon which conditions I told him that the Bishop of Philadelphia had authorized me to receive him and to absolve him from his censures, which I then did, after which we sat down to dinner, during which we arranged the manner of his support, the place of his residence and a variety of details respecting his future situation in Charleston."[18]

Hogan violated his promise within forty-eight hours, saying Mass twice on Sunday, October 21, in St. Mary's Church. Bishop England immediately served him with notice of suspension from the Diocese of Charleston, and the excommunication inflicted by Dr. Conwell revived. On October 22, Dr. England received into his diocese Reverend John Twomy, and gave an *Exeat* to Reverend Samuel Cooper. He left the same day for Baltimore. Yellow fever was raging at the time, and when he reached Georgetown (S. C.) he was taken ill and his life was despaired of. Father O'Hannan came to him and when he was able to travel accompanied him to

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[17]England to Gaston, October 25, 1821 (*United States Catholic Hist. Mag.*, vol. IV, p. 13).

[18]*Diurnal*, pp. 36-37.

Charleston, where he arrived on December 4, 1821, "in a very weak state", as he writes in his *Diurnal.*

Sometime in August, 1822, Bishop England received two letters from the Hoganites of Philadelphia, "threatening him that if anything appeared in the columns of the *Miscellany* against their beloved pastor, the Reverend William Hogan", they would attack the Bishop of Charleston, and prove him to be a hypocrite.[19] They also stated that this attack "in which he would be proved a hypocrite, a liar, &c.," was already in the press, and that it would be "widely circulated gratis, amongst the principal and most respectable inhabitants of Charleston."

Bishop England had already begun publishing the current history of Hoganism when these letters reached him. In the issue of July 10, 1822, of the *Miscellany.* he says: "We are forced to advert to this disgusting topic, and in order to dwell upon it as little as possible, we shall confine ourselves to a net recital of facts." The negotiations in Philadelphia the previous October are described, and the events between that time and July, 1822, are given. Father William Vincent Harold, O.P., had returned to Philadelphia in December, 1821, and within a few weeks had placed himself at the head of the party loyal to the old bishop. From this time until Hogan's incontinent flight from Philadelphia in November, 1823, the Philadelphia disturbance assumed the aspect of a bitter personal quarrel between the ex-priest Hogan and the young Dominican, who had in the meantime been appointed by Dr. Conwell Vicar-General of the Diocese. Hogan's excommunication was upheld by Pius VII, in the Bull *Non sine magno,* of August 24, 1822, and the published translation of the document was distributed in all the Catholic centres of the United States. The trustees saw in Father Harold the strongest opponent they had to their scheme of an Independent Catholic Church, and he became very quickly the principal object of their attacks. With the entrance of the *Miscellany* into the fight, the Hoganites realized that their usurpation of St. Mary's Church was in danger, and the attack was also directed against the Charleston prelate. An instance of Dr. England's method of ridiculing the services at St. Mary's occurs in the issue of August

[19] *Miscellany,* vol. I, p. 102.

14, 1822, of the *Miscellany*. In the account of the funeral at St. Mary's, of Don Manuel Torres, it was stated that the service was conducted by Hogan and by the Reverend Mr. O'Flynn. "But who is the Reverend Mr. O'Flynn?", England writes—"Is it possible that our old friend Jeremiah has arrived in Philadelphia, after having been transported from Botany Bay? If it be the same, never surely was a pair better matched! The two reverend gentlemen will help each other to orthography—as some letters in the handwriting of each, which we have lately been endeavoring to decipher, testify. So, after La Trappe and Lord Bathurst's office and the exercise without jurisdiction in St. Domingo—you are now in Philadelphia! Welcome once more! again, Robin Adair! Welcome on shore, again, Robin Adair!"

Under the heading *Philadelphia*, Bishop England attacked the pamphleteers of the Hogan party in a paragraph that aroused Hogan to fighting madness. Dr. England is referring to the pamphlet issued by the trustees on June 21, 1821, entitled *Address of the Committee of St. Mary's Church, Philadelphia, to their Brethren of the Roman Catholic Faith throughout the United States of America, on the subject of Reform of Sundry Abuses in the Administration of Church Discipline*. This pamphlet, sent to the principal lay Catholics of the country, exhibited, as Dr. England wrote,

> the strongest blending of folly and fallacy and falsehood, that ever fell under our observation; in this, they solicited a union of the laity against the bishops, and complain of superstitions and innovations introduced by them into this country. A number of other pamphlets issued by the same party, purporting to be an exposition of Canon Law, which were calculated to excite the regret and the contempt of the youngest tyro in the study of theology; but which were equally calculated to mislead the judgment and to excite the passions of those who created themselves into infallible tribunes, to judge the doctrine, the discipline, and the conduct of the successors of the Apostles during nearly eighteen centuries. In looking over those disgusting *lobscouse* collections of broken concords and bad divinity, of garbled law and misquoted scripture, of foppish arrogance and of petulant vituperation, of false statements and imbecile sophistry, we have often felt abashed and humbled. And yet we have been informed that their authors imagined they must have been inspired when they were capable of producing such mas-

terpieces, and the party looked upon their cause to be impregnably secured by the paper ramparts. Poor Human Nature![20]

The principal tenets of the new doctrine displayed in the *Address* were the following:

> As these States unfortunately have not been blessed with a second Carroll, who was a native of our country, and who, consequently, was well acquainted with our institutions, and respected them, as well as our individual rights, it becomes our duty, if we wish to preserve our religion unchanged, and free from the superstition and ignorance which has been attempted to introduce among us, to adopt some general plan for the future management and direction of a uniform system throughout the United States; without being compelled, as heretofore, to receive, pay and obey men who are a disgrace to our religion, to us, to themselves and to those who send them. A person of respectability and literary acquirements should be selected to proceed to Rome and enter into a regular and written agreement with the Pope; the basis to be:
>
> I. We claim the exclusive right which always belonged to the Church, of electing our own Pastors and Bishops, and when a Bishop shall so be elected by the Trustees and congregations of each State, he shall be ordained in this country and receive the Bull, or approbation from Rome as a matter of course.
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> II. No priest shall be suspended by the Bishop without a trial.
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> III. A priest suspended, to be tried by three or more priests of distinct States from that in which the trial takes place; there shall be a right of appeal to the Archbishop and then a further appeal to the Court of Rome.

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[20] *Miscellany*, vol. I, p. 117, *Works* (Reynolds), vol. V, p. 118. The extent of the *Hoganiana* may be seen in Finotti (*op. cit.*, pp. 137-173). An Index of all the pamphlets now in the Library of Overbrook Seminary (Philadelphia) was published by Hugh T. Henry in the *Records* (ACHS), vol. XIII, pp. 60-120. The spirit of the *Address of the Committee* can be seen in the following paragraph from this broadside: "Owing to the arbitrary and unjustifiable conduct of certain foreigners sent amongst us by the Junta or Commission directing the Fide Propaganda of Rome, imperiously call on us to adopt some measures by which an uniform system may be established for future regulation of our Churches, the propagation of our holy Faith by nomination and selection of proper pastors from our own citizens from whom alone ought to be chosen our bishop without our being compelled to depend on persons sent to us from abroad who have uniformly shown themselves hostile to our institutions." The Reverend Eris O'Brien contributed to the *Australasian Catholic Record* (Sydney, New South Wales) a series of articles on Jeremiah Francis O'Flynn, which shed considerable new light on the Philadelphia schism and on Father O'Flynn himself (vol. I and II, 1924-1925).

IV. The priest during suspension to receive his salary until final judgment.

Should these measures meet the approbation of our fellow-citizens and be adopted, we have not the least doubt but that they will be approved by the Holy Father . . . In order to obviate the difficulty of procuring persons adequate to the task imposed on them of preaching and instructing in our religion, we would propose the establishment of a College for the express purpose of educating annually a certain number of persons to enter Holy Orders.[21]

When a copy of the *Miscellany* ridiculing these pretensions reached Philadelphia, it was a challenge to battle, and Hogan's reply came in a pamphlet of thirty-nine pages entitled *An Answer to a Paragraph contained in the United States Miscellany, edited by the Bishop of Charleston, under the head "Philadelphia."*

Father Harold's facile pen had produced a goodly number of pamphlets up to this time, although he had not been a year in the diocese, but he was growing weary of the contest, as he confesses in a letter to his old friend and former fellow-worker in the Philadelphia mission, Father John Ryan, O.P., dated September 18, 1822:

I got into a controversy with Mathew Carey who was the chief supporter of the Schism and the general opinion is that I have cured him of his itch for controversial scribbling. If I can I shall send you my pamphlets by this opportunity—there are many allusions which you cannot understand and a good deal of personality which you will not approve, but had you seen the impudent abuse to which Carey descended you would agree that I could not treat him otherwise than I have . . . Bishop England has set up a weekly paper in Charleston and is up to his ears in our Philadelphia controversy—this will relieve me from all future interference in the business and I can be easily more usefully employed.[22]

Harold's phrase is somewhat caustic but it describes the situation with precision. The *Answer* of Hogan contained a viciously abominable attack upon Dr. England. No period of his life was sacred from the scurrility which dominated the Hoganite publications, and in the issue of September 11, 1822, of the *Miscellany*, Dr. England began a series of open letters to Bishop Conwell in vindi-

[21] *Records* (ACHS), vol. XXV, pp. 169-170. Cf. Finotti, *op. cit.*, pp. 146-147, 152.

[22] Dominican Archives at Tallaght.

cation of his good name. A more remarkable correspondence scarcely exists in the history of the Church in this country. There are twelve letters in the series, occupying one hundred pages in England's printed *Works*, and they are a clear insight into the intellectual and moral character of Charleston's first prelate.[23] Dr. England must have realized at the outset the impossibility of making an impression upon the prelate whose *régime* in Philadelphia, even up to that time, was bringing discredit upon the Catholic Church in the United States. No answers from Dr. Conwell have been discovered, and the situation becomes more and more poignant as we watch the honest efforts of the young Bishop of Charleston (he was thirty-six years old) to create even a slight harmony between himself and Dr. Conwell, a man almost twice his own age. When the two prelates met in New York in October, 1821, Dr. England confesses that "with mutual distrust" they began their conversations on his desire to bring peace to the distracted Church in Philadelphia:

> Subsequently to my promising Mr. Hogan that I would endeavour to obtain your authority to investigate his case [he writes to Dr. Conwell, on September 6, 1822], as I have since discovered, several persons took great pains to misrepresent us to each other. I know you were exhibited to me in a false light, and I know that you spoke of me in a manner, that you would not have done, had you not been deceived. The consequence was, we met each other with mutual distrust. You thought I wished to dictate to you how you should govern your diocess; and looked upon my interference with more than jealousy. I knew you were led to imagine that I wished to raise Mr. Hogan and to depress you if I could. I confess that my notions of your conduct towards Mr. Hogan were very different then to what they now are, and I was led even to doubt whether your acts were altogether canonical. I then believed as fact what I now know to be fiction. I have since learned facts, of the existence of which I was then not aware; of course, I have changed my opinion. I have now no doubt upon my mind that your acts were not only valid, but perfectly regular. With these impressions upon our minds, we met for the first time strangers to each other, to converse upon a subject which each of us was led to view in a different light.[24]

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[23] *Works* (Reynolds), vol. V, pp. 109-213.
[24] *Ibid.*, vol. V, pp. 118-119.

Bishop England was under the impression at the time of which he speaks that Dr. Conwell had suspended Hogan "for crimes the existence of which he denied", and which Dr. Conwell "had not sufficiently proved." The saddest aspect of the misunderstanding between the two bishops, and it is not unfair to say that Dr. Conwell never fully forgave his brother-prelate, was that one was unfortunately too young to understand the tenacious stubbornness of his elder brother in the episcopate.

There are two series of accusations against Dr. England in the Hoganite pamphlet, one dealing with his attempt to bring peace to Philadelphia, and the other with his priestly career before he came to Charleston. It is in the answers to the first that we can realize how deeply he was hurt both by the accusations themselves and by Dr. Conwell's imperturbable silence at these vicious charges against the youngest member of the American hierarchy. There is strong language in these letters, and it is the langauge of a man who feels he has been not only foully besmirched by being dragged into the Hoganite quarrel, but also treacherously dealt with by the very person he attempted to assist. "I have not volunteered my interference in the concerns of Philadelphia," he writes, "you, Right Reverend Sir, have more than once asked me to come forward. In passing through Philadelphia your clergy remembered the request."[25] The open letters he felt obliged to write to defend his episcopal dignity were to him "a most painful and mortifying experience . . . the evident object of the pamphlet was my mortification; of this I was previously informed by the writer himself, through the post-office; and never indeed was I more mortified and humbled, than in feeling myself called upon to answer and to compete with Mr. Hogan. It has been our first encounter; it shall also be the last. My crest has fallen, my vanity is punished, my arrogance is chastised, my petulance has been rebuked, my ambition has been checked, my pretensions to learning have been blasted, my hopes have withered."[26]

The second series of charges brought from Dr. England's pen, as we have seen in a previous chapter, valuable information about his ministry in Cork which might otherwise have been lost. The

[25] *Ibid.*, vol. V, p. 158.
[26] *Ibid.*, vol. V, p. 159.

list of these charges, as given by Dr. England from Hogan's pamphlet, is as follows:

1. That I edited a party paper in Cork, to which I seemed to be exclusively devoted.
2. That I was editor of the *Southern Reporter*, and author of many libels.
3. That I was publicly, and according to law, punished for one of these libels.
4. That I headed an electioneering mob in the city of Cork.
5. That I ran the risk of injuring my lungs by haranguing the said mob.
6. That all this was inconsistent with my duty as a clergyman.
7. That having heard of the erection of the Carolinas into a diocese, I applied for their superintendence.
8. That I obtained the appointment through the interference of my parliamentary friends.
9. That my parliamentary friends never lose the opportunity of contributing to the happiness of America.
10. That I dared to introduce into this country the revolting doctrines of "blind obedience and non-resistance."
11. That I appear not to be acquainted with the progress of the human mind in this vast and great country.
12. That, from my long acquaintance with convicts, cells and gallows, I am incapable of forming accurate ideas of freedom of soul.
13. A statement by Messrs. Leamy, Ashley, and Fagan, that I stated to Mr. Ashley that, from my knowledge of Mr. Hogan in Ireland, I was convinced the report of his having been suspended in Ireland was as groundless as it was unprincipled.[27]

The last letter to Dr. Conwell is dated November 22, 1822. Some replies probably came from Dr. Conwell during the two months which passed while these letters were made public, as Dr. Conwell became convinced "that my sole object", to use Bishop England's words, "in the interference was to endeavor to procure peace for a distracted city—to aid in restoring union where irreligion had created schism—to try and convince men who professed to be Roman Catholics, that they were violating every Catholic principle."[28]

Dr. England wrote a final epitaph for the Hogan schismatics of

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[27] *Ibid.*, vol. V, p. 133.
[28] *Ibid.*, vol. V, p. 167.

St. Mary's Church, in the issue of December 18, 1822, of the *Miscellany*: "There is not on the continent of America a body of persons professing Christianity, who are more palpably, and we fear more inexorably opposed to the doctrine and discipline of the Roman Catholic Church, than the congregation of that once Catholic Church." Later in the year 1822, Hogan published *A Reply to Sundry Letters of the Rt. Rev. Dr. England to the Bishop of Philadelphia*, a pamphlet of fifty-six pages, but of little historical value. Bishop England's success in combating Hoganism induced the schismatics to start a rival paper in Philadelphia: the *Catholic Herald and Weekly Register*, the first number of which appeared on November 30, 1822.[29] References to the Philadelphia situation appeared in the final numbers of the *Miscellany* for December, 1822. The Papal Brief of August 24, 1822, was then being widely read, and with its condemnation of the schismatics the case was juridically settled. Hogan submitted later, and promised to leave Philadelphia, and Bishop Conwell promised him an *Exeat* from the diocese. Dr. Conwell suspected "a trick or a ruse" in the transaction, and on the following day, Hogan denied the authenticity of the Papal Brief to Father Harold who called to give him the *Exeat*.

Father Harold had attempted, as Bishop England had done before him, to restore peace to the Church in Philadelphia, but without success; and the contest between Harold and Hogan became so violent that Father Harold published the whole of the correspondence in the Philadelphia *National Gazette*. These letters were copied in the *Miscellany* (December 31, 1822), and Bishop England commiserates the Vicar-General of Philadelphia on the failure of his effort to establish harmony, and gives an interestingly lucid dissertation on the Canon Law of the case. "I am convinced", Dr.

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[29]Before the founding of the *Herald*, the trustees had enlisted the services of various journals in the city. In the *Balance* for January, 1822, three scurrilous articles appeared. These were followed by six sermons by "Lay Preacher", and it was in reply to these that England wrote. Cf. *Works* (Reynolds), vol. V, p. 111. The following newspapers were employed by the Hoganites: the *Democratic Press*, the *Aurora*, the *Pictorial Gazette*, the *Franklin Gazette*, the *Daily Advertiser*, and the *Columbia Observer*. Many of the letters in these newspapers were attributed to Mathew Carey. Another Hoganite paper, the *Erin*, was begun in September, 1822. Neither the *Herald* nor the *Erin* lasted very long. (Cf. Finotti, *op. cit.*, p. 162).

England wrote to Archbishop Maréchal, on December 22, 1822, "that Hogan is not the author of this evil, though he should leave Philadelphia, the evil would not be removed. It is the natural consequence of the system upon which Catholicity has been established in Philadelphia. The same evil is in New York, the same is here, and I suspect you are not free from it in Baltimore, guarded as your by-laws appear to be."[30] Curiously enough in this same letter, in describing the system he had evolved for the Diocese of Charleston in order to avoid the trustee evil, Dr. England tells the archbishop:

> Hogan was my adviser to this; the unfortunate young man told me when he was, I believe, disposed to follow my advice, that he never intended to oppose the Bishop, but that the Trustees prevailed upon him to do so, and that the dread of their vengeance and exposure was what kept him in a place which was to him the worst species of slavery, and from which he was anxious to escape; and with tears in his eyes he besought me, if I valued the religion of Jesus Christ, never to suffer a lay Trustee in my Diocess, be his piety what it may, or the restrictions under which he is placed ever so great. He told me if he left Philadelphia, as he was then determined, the Bishop would have no peace; for though he may obtain good trustees one year they would be either supplemented or worried out or be made bad before the next year.

The New Year of 1823 was ushered in with peace farther off than ever in the Philadelphia Church. Unfortunately, the *Miscellany* was not printed during the whole of this year, owing to the lack of sufficient support. We have no accurate knowledge of Bishop England's part in the events of this year apart from the few references in Dr. Conwell's correspondence and in the fragmentary letters which have survived. About the beginning of the year, Dr. England's correspondence with the Archbishop of Baltimore assumes a different tone. There is lacking none of the respect due to his superior but the inference is plain; all the evils in the American Church had centered around the trustee system, and Philadelphia had become an undeniable proof of the lack of discipline in this regard in the Catholic body of the United States. Dr. England saw but one safe method of meeting the evil—a uniform legis-

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[30]BCA—Case 16—N19.

lation by the American hierarchy. In his letter of December 22, 1822, quoted above, he reviews the various methods which might be adopted to bring order into the distracted groups, even mentioning the extreme method of putting all the churches in the hands of the trustees under interdict until their titles were changed. "Surely there must be some remedy", he says, and that remedy he states quite boldly, although he knew Maréchal was not in favor of it—a national synod or council. "It is perhaps more inconvenient for me than for any other Bishop in the Union to attend a synod now, yet my conviction of its necessity is stronger than ever. If you call it I will go barefoot thereto sooner than defer examining and opposing the dreadful evil which must strengthen every day. There are many other causes which render such a meeting necessary. The Bishop of Philadelphia desires it—if you refuse to call it, I shall lament that we are left divided to meet our several difficulties, and respectfully differ from Your Grace in the opinion as to the expediency, unless you shall assign some stronger reason than I apprehend can be advanced against our meeting." Maréchal's answer to this appeal is not to be found, but that he was opposed to calling a council is evident from England's letter of January 15, 1823:

Most Rev. & Dear Sir,

I have just received your esteemed favor of the 6th and its enclosed. We had better now pass over mutual apologies of delay. I have carefully perused the document on Trusteeship and your remarks. The subject is one of the utmost importance to the Church of America, and one which *never will be settled by correspondence.* From the moment of my arrival I have anxiously desired to meet my elder brethren, upon the subject. But you, Most Rev. Sir, appear to me so decidedly unwilling to assemble a Synod, that I now begin to despair of any permanent good being done. We are fighting in detached squads, and our enemy is systematically in order. We must inevitably be defeated. I shall add no more on this, to me, very painful topic. You do not, you cannot from mere letters know the state of my Diocess. I do not know that of yours, I know something of Philadelphia, but I have made so many blunders before I could know the true state of things, that I have determined neither to write nor to speak upon topics of a like description again without accurate knowledge. But though I know something of St. Mary's, I know nothing of the rest of

Dr. Conwell's Churches. I know some little of New York. If my information of Washington city be correct, I think though there be *no lay* regulation in *any* of the Churches, *there is* what I would like *as little* perhaps *less*. Of Kentucky, Boston, etc., I know nothing, yet I am of opinion that it is upon knowledge of facts, with which I am not acquainted, must depend the judgment of prudence, of publishing, or not publishing the documents in question. Of course, I can give no opinion now. Did I meet my brethren, and did I learn the state of their Churches, and they learn the state of mine possibly two hours would enable each of us to decide upon some common rule of action all could follow and we might have confidence in each other. At present each of us is met by the objection. "Why do you require more than other Bishops?" And we are clogged and thwarted, at least it is so with me.

Finding myself alone in this state of perplexity, and no prospect of having this common aid, which the custom of all ages has provided for our mutual wants, I was driven to think and act for myself, though upon my coming hither, I had resolved to act as little as possible from my own judgment, but as much as possible in union with the Archbishop and my other brethren. But perceiving the inutility of expecting that I can have the aid of their lights in the only way that I conceive it would be beneficial, I have determined to draw up a code for my own Diocess. I have made some progress especially in the article of Churches and property, in which I am quite gratified to observe I have been led fortunately to adopt *all the principles* of the document which you have sent, and have been acting partially on them during some months. Though I have experienced as usual great difficulty from the old objection: "You are the only Bishop requiring this; why do you think yourself wiser than the other Bishops?" Thus I am exposed to all the inconvenience of being single and each Bishop adopting a similar plan will meet similar difficulties. I state this as one of many reasons which urge me to decline respectfully giving an opinion upon the prudence of generally adopting or publishing the documents, and do think no single Prelate competent to the task.

After what I have above written you must clearly perceive that I do think that if Dr. Carroll did sanction the system of Lay Trusteeship, with all due regard to his memory, *he made a very fatal mistake.* I would not take your Cathedral *free from debt,* with its pews, and Trustees. Nor would I under any influence, continue to hold my present situation, did I not hope to extricate the evil from my Diocess. I have done much, but much yet remains to be done.

The Propaganda cannot be aware of the exact state of the case here, though I should think they had ample opportunities, as they could have no doubt, not only of their powers but of yours or mine, or those of any Prelate within his own Diocess. The laity of no Church in Europe has the power over property which the Trustees here claim. The canons are all opposed to every claim they set up, with the exception of a very limited power, similar to that of the French *Marguilliers* or English *Church Wardens.* But this was confined strictly to the *Fabrique* in France, and in England to the *Parishes.* This was merely the money for the repairs of the Church. and of this they had not the absolute and sole right of disposal. They could not appropriate one shilling *against* the will of the Rector, and in the Bishop's tribunal, by the English law founded on the old Catholic Canons, and in France by the Civil law united, and in other Countries by the Canons of the Council of Trent, they should refund if the Bishop adjudged the money improperly expended. Even this right of having lay officers is an Episcopal concession. But why write to you, who are more conversant with this than I am? You know that all their income is *Church fruits,* refuse to officiate at the altar, and of what value are their pews and churches? The money is paid *not for the value of the ground,* but *propter ecclesiastica munia peracta vel peragenda.* Were we once in concert upon this point and unanimously acted upon it, I could engage to break down all their opposition without quarreling with them. Let them once issue united [*?*] and they will yield. The system is horrible, and is no where else but in America, and Catholicity will make no progress where it will exist. I look upon every new church erected under Lay Trustees as a curse, and I would as soon burn my hand as bless it. And as soon give jurisdiction to Hogan as send a priest to officiate there. Hogan himself told me *it would be the ruin of Catholicity in America,* and begged me when he was sincere if I valued religion to oppose the whole system. And he assured me that he never would have done anything against the Bishop but for the instigation of the Trustees. But, Sir, if it is to be put down *we must act in a body.*[31]

Later (February 5, 1823), he wrote to the archbishop yielding with reluctance to his decision:

With respect to the Synod, I have done. I perceive that it is useless to press it. But my convictions are still the same. I would not have it for the supererogatory purpose of con-

[31]BCA—Case 16—J9.

demning a condemned Schismatic and a notorious Heretic [Hogan] and an obstinate faction such as Philadelphia exhibits, but to discuss and to establish a commencement of national discipline and to become a well-organized body, acting with mutual confidence and increased energy, and more uniformity. I would desire it not for deciding upon articles of Faith which is not within our competency but to carry into effect the admonition of the Council of Trent, and for the purposes contained in that admonition. But I am satisfied that it cannot be held; by no means convinced that it ought not.[32]

In June, 1823, Hogan became engaged in a street brawl in New York City, and began to lose caste even among his ardent followers in Philadelphia. In October, 1823, the Reverend Thaddeus O'Meally arrived at Hogan's invitation, and was selected by the trustees as their pastor. A month later (November 19) Hogan sailed from New Castle, Delaware, for Liverpool, and O'Meally took up his duties at St. Mary's. Dr. Conwell "had learned something", his biographer states, from the result of his impetuous handling of Hogan; and he sent for O'Meally to show cause why he should not be excommunicated for taking part in the schism. This interview took place on November 20, 1823, and O'Meally says that "after sitting to be stared at for half an hour, during which not one word of mild expostulation was spoken, nor the slightest symptom of kind and charitable feeling shown", he was forced to leave. That same day, Dr. Conwell excommunicated the intruder, and the sentence was made public on December 7.[33]

To whom should O'Meally appeal? It was easy to send an appeal to Rome, and this he did, although he foresaw the long delay it involved. There was no Bishop in Boston to whom he might go for advice. Dr. Connolly, in New York, although an Irishman, had carefully avoided all contact with the Philadelphia schismatics and was in the midst of a difficulty almost as serious in his own episcopal city. Archbishop Maréchal was on the high seas on his way back from Rome, and even had he been in Baltimore, it is unlikely that O'Meally would have had recourse to him, for he felt that the archbishop lacked sympathy and understanding in these factional quarrels. Bishop Flaget was in the then Far West.

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[32]BCA—Case 16—K17.
[33]Cf. *Records* (ACHS), vol. XXVII, p. 168.

Bishop Edward Fenwick, of Cincinnati, returning from abroad, had arrived in New York two days before the public sentence of excommunication was given. On his way to Baltimore he stayed in Philadelphia a few days, and Dr. Conwell sought to use his kind services for the pacification of the Philadelphia troubles.[34] Dr. Fenwick failed, as did likewise Father Gabriel Richard, of Detroit, who also attempted to make peace, but without success.[35] Therefore, O'Meally wrote to Dr. England, sending him at the same time his pamphlet: *An Address Explanatory and Vindicatory, to both Parties of the Congregation of St. Mary's,* asking him to intervene between the trustees (who were then in a better frame of mind) and Bishop Conwell. "It is not our province", England writes in reply, "to advise the bishop nor to point out to him the manner in which he ought to discharge his duty; but we should hope and reasonably believe, that what he seeks is not the triumph of victory, nor the honor of vanquishing his opponents, or the opponents of any individual, but that his sole object is the benefit of religion, and the good of his people."[36] O'Meally sent regularly to Dr. England copies of the letters which passed between Dr. Conwell and himself and the trustees, and the Bishop of Charleston regarded with alarm the refusal of Dr. Conwell to accept any offer whatsoever of reconciliation. "When Dr. England offered an opinion to the bishop at an early period of the year, he was warned by the Bishop of Philadelphia not to interfere, and if we are rightly informed, the communication added that Dr. Conwell was able to manage his own concerns without any aid."[37]

Early in January, 1824, Dr. Conwell informed Archbishop Maréchal:

> With respect to the Schism, I think nothing can support it any longer if Dr. England would have the goodness to desist from interfering. The Trustees have issued a new pamphlet. My opinion is that Dr. England furnished the materials and Lawyer Ingersoll and Mathew Carey have put it in print as coming

[34]Cf. O'Daniel. *Life of Bishop Fenwick,* p. 269. Kirlin (*Catholicity in Philadelphia,* p. 247) says that Bishop Fenwick became "embroiled" in the controversy. For O'Daniel's interpretation, cf. *op. cit.,* pp. 269-270 note.
[35]*Miscellany,* vol. III, pp. 398-400.
[36]*Works* (Reynolds), vol. V, p. 187.
[37]*Ibid.,* p. 189.

from O'Meally. The main way to extinguish the schism is to obtain from the Holy See an inhibition to debar Dr. England from intermeddling in any concerns save his own and those of his own Diocese. . . I really believe Dr. England's main object is to get himself removed from the torrid plains of Carolina and Georgia to a more salubrious climate, e. g., into Maryland or Pennsylvania, or perhaps both. He can take away O'Meally.[38]

In February Father Harold wrote to Dr. England asking for a copy of the "Constitution" of the Roman Catholic Church of the Diocese of Charleston, and in England's reply (February 24, 1824) there are several interesting sidelights on the Philadelphia situation. Prudently, he refrained at the time from sending the "Constitution" to any of the bishops. To Harold's invitation to come to Philadelphia, he likewise showed discretion in refusing:

I request you will not include all the Bishops in your well-grounded charge. My conscience is at rest. My opinion coincides with yours. Upon my arrival in this country I looked for some rule to guide me. I found none. I requested the Archbishop to furnish me with some copies of the regulations or customs of other Churches. I got a meagre skeleton of imperfect statutes for the administration of the Sacraments, such as any schoolboy Theologian ought to have known. I did not wish to act precipitately. I requested the Archbishop would convene a Synod. The Bishop of Richmond, whose See has been most injudiciously and injuriously suppressed, joined my request. The Bishop of Philadelphia was, as far as I could perceive, desirous of it. The Bishop of New York told me he had no objection to join. But the Archbishop requested of me to inform him what articles of faith we had to discuss! I ventured to reply that we could do nothing in Faith, but much for discipline. I stated the fact to which you allude, the Canon of the Council of Trent, my own feelings, and a variety of other, as I thought, cogent reasons, all to no purpose.

In my next communication to Rome I stated my opinion. I once again suggested to the Archbishop my conviction and wish. I was answered that he desired a Synod himself, but did not wish to bring the bishops from their homes at inconvenience and expense. I stated this last objection I was sure would not weigh. I was the poorest, and one of the most distant, and though seldom worth money, I would gladly go. I was told that any

[38]BCA—Case 16—J9.

difficulties I had might be solved by my submitting them to discussion at Baltimore. The Archbishop would be happy to aid me by any lights which the Metropolitical city could afford, and that my own power was sufficient for the discipline of my own Diocese. I have, Sir, given you, perhaps unnecessarily, and not very prudently, this detail to show you why I have determined, during the administration of our present Archbishop, never to expect, never to suggest a Synod of the Bishops of the United States. Since then I have endeavoured to act as much as possible within my own sphere. I did in the year 1821 make a tour as far as New York. I preached very reluctantly in some places. I interfered, perhaps too officiously in other places. My intentions were correct, my acts imprudent, but I have been taught to stay at home. Neither my inclination, nor my means, nor my duty will permit me to make such another excursion. My duties multiply, the openings for exertion thicken about me, and I have to provide not only for myself but for the wants of eight or nine candidates and students amongst a people hardly brought to submit to system, and scarcely able to support themselves, in the midst of persons who watch us with the keen steadiness of the lynx, intimate themselves into our affairs with the cunning of the serpent, and whilst they appear to possess the meekness of the dove, resist us with the nerve of the lion; and whilst they injure us, they defame us, and publish to the world that they only act in self-defense against irreligious and unprincipled aggressors.

I am not then, Sir, likely to go beyond the bounds of my Diocese for a long time, and shall not have the pleasure of meeting you, unless you come below the 36th degree.[39]

On March 3, 1824, he wrote to Dr. Conwell, evidently hoping to mollify the aged Bishop of Philadelphia, and in the course of his letter he says:

The more I reflect upon your situation, the more I am inclined to sympathize with you. I know not what to advise. I once thought I could see my way through your case, but now the difficulties thicken, and the evil is increased . . . I perceive you have now to do with a more dangerous foe than Hogan. If I can judge from what I see, it is no longer an outrageous and open enemy whom you have to contend with, but a man who will give more trouble... However these for me must be questions of curiosity. A burnt child dreads the fire. My interference in Philadelphia has already cost me too dearly.[40]

[39]Dominican Archives at Tallaght.
[40]BCA—Case 16—J11.

Conwell records another letter received from Dr. England on March 17, advising him to send away O'Meally and "to shut up the Church."

The *lacunae* in the correspondence render it well-nigh impossible to give the proper sequence of events at this period. The Sacred Congregation of Propaganda wrote about this time (March 6, 1824), to Dr. Conwell likening his stand with that of St. Athanasius — "*ut in te vetera illa præclara S. Athanasii Alexandriæ exempla renovarentur.*" In March, also, Hogan returned from Liverpool and stayed in Charleston; on June 25, he came to Philadelphia to assert his rights against the trustees to the pastorship of St. Mary's. He ejected O'Mealley from the "parochial residence," and announced his return to the pulpit of St. Mary's. In August, the unhappy heretic, as he now was, left Philadelphia for another city in Dr. England's diocese, Wilmington, North Carolina, where he preached in various Protestant churches, and on August 9, 1824, married a young widow of that city. From that time until his death (January 23, 1848) in Nashua, New Hampshire, he wrote and preached against the Catholic Faith, and died outside the Church.[41]

Meanwhile, Dr. England recognizing that the Hogan schism was becoming disintegrated, and believing that O'Meally was sincere in his desire to bring about a reconciliation between the trustees and Bishop Conwell, corresponded with him and urged him to leave Philadelphia. Dr. England made it clear to the intruder that his claim to be Pastor of St. Mary's was false, that all his sacerdotal acts for which jurisdiction was necessary were invalid, and that the trustees would never be recognized so long as they professed the right of presentation (*jus patronatus*), that all Bishop Conwell's censures were legal and valid, and that O'Meally's only chance for salvation was unconditional surrender.[42]

In return for all his pains to clarify the situation in Philadelphia, Dr. England was again bitterly denounced by Bishop Conwell to Archbishop Maréchal: "I cannot have a good opinion of Bishop

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[41] *Nashua Gazette*, January 27, 1848. "Death. At the Central House, January 23, William Hogan, Esq., Aged 55 years. He was the author of several works on Roman Catholicism." The *New Hampshire Telegraph* (January 29, 1848) says in its obituary: "for resisting some of the enormities of the Church, he was excommunicated."

[42] *Works* (Reynolds), vol. V. p. 193.

England's motives after past experience," he wrote on May 28, 1824; and on June 6, he adds: "The Bishop of Charleston is still corresponding with O'Meally and encouraging his cause... he [England] is preparing to go to Rome; I have broken off all communication with him since I discovered him to be implicated in this business. I hope his Democratic Church regime will not find favor or be sanctioned at Rome, with his Convention and Civil Constitution of the Church, which is designed to be ambulatory throughout America. I find myself under the necessity of sending a *caveat* to Rome to frustrate all such ill designs as I consider Dr. England to be meditating. This last statement is a private communication."[43]

The cure of Mrs. Mattingly through the prayers of Prince Hohenlohe created a sensation and for a time the Philadelphia troubles were forgotten;[44] but the publication on the *Concatenation of Speeches, Memoirs, Deeds, and Memorable References relative to St. Mary's Church in Philadelphia* (pp. 109), by Bishop Conwell, reawakened the discussion. On June 8, 1824, Dr. Conwell wrote to the Cardinal-Prefect of Propaganda complaining of Bishop England's interference:

> *Illmus Carolopolitanus* [*Doctor England*] *uti olim antea fecit anno Domini 1821, iterum nuperrime mihi scripsit intrudens suam intermediationem, dicens se recepisse plures litteras ab intruso Thaddeo O'Meally cum quo frequenter communicat per litteras, et quod potuisset per suam agendi rationem omnia componere in mea Dioecesi. Dixi illi in meo responso quod si perturbaret meam dioecesim sicut cum favisset Dno. Hogan, etiam usque ad mei ipsius correptionem quasi imprudenter egissem et quasi jus habuerit me corrigendi, querelas afferrem coram Sancta Sede propter plura quo hactenus non memoravi. Plausus hominum vehementer appetit, quæ causa est, ni fallor, cur voluerit exercere facultates ultra limites suæ propriæ jurisdictionis.*[45]

To this letter Dr. Conwell added a "*Postscriptum extraordinarium*," to the effect that he had just received a letter from Dr. England, saying that in the future he would abstain from any act which

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[43]*Records* (ACHS), vol. XXVII, p. 153.

[44]Cf. *A collection of Affidavits and Certificates relative to the Wonderful Cure of Mrs. Ann Mattingly, which took place in the City of Washington, D. C., on the tenth of March, 1824.* Washington, D. C., 1824.

[45]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 8, pp. 280-281.

would appear to be interference in Philadelphia affairs. Hence, he writes, he wished the Cardinal to take as *non scripta* what he had written against his illustrious brother of Charleston. "Everything is now settled between us and there will be no future cause of quarrelling—*quod certe mihi pergratum est.*"

On January 12, 1825, Bishop England published an open letter to the Roman Catholics of the Diocese of Philadelphia in answer to a letter he had received from Dr. Conwell:

My Brethren,

I have received a letter from your Bishop in which are the following passages:

Great scandal has been taken in my Diocese from the encouragement you are thought to afford the excommunicated and usurping Priest, O'Meally.

After describing Mr. O'Meally's address to some persons in St. Mary's Church:

He then assured his hearers that they might put their confidence in you, and that you were the only Bishop from whom they could expect countenance and support, and closed by lamenting that some favourable wind had not blown you more northwardly.

Again:

The schismatics are animated by the persuasion that the letter or letters to which I allude, are genuine; whilst the Catholics are deeply scandalized not only at their import, but at your correspondence at all, with a notoriously excommunicated Priest, who is daily profaning the body and blood of the Lord and glorying in the deed.

The above passages have greatly afflicted me, as they convey, from the best authority, an assurance, that what I believe to have been only the correct discharge of my duty, has been greatly misunderstood. And though I am convinced that I have done only what I ought to do, under the circumstances; yet I also feel convinced that it is my duty, not through any human motive, I trust, but upon principle of natural and divine law, to give you such explanation as may take away any just cause of scandal from my conduct.

To enter into any detail on the subject, would be tedious, useless, and unpleasant. In Dr. Conwell's Diocese, I have no jurisdiction, nor any claim thereto. In its administration,I have no concern; upon his administration, I have never, that I recollect, given an opinion upon his conduct towards Mr. Hogan, I have never, since I have been in Philadelphia, which was in

1821, had to hesitate as to what judgment I would pronounce. It was canonical and correct. Upon Mr. O'Meally's claim to be pastor of St. Mary's, upon his right to do any clerical duty in Doctor Conwell's Diocese, I never entertained a doubt. His claim is unfounded, he has no right. As to the validity of his acts for whose value jurisdiction would be required, no person can raise a question; they are all invalid. As to the validity and legality of the Bishop's censures of that gentleman, there can be no question, they are legal and valid. As to the right of Presentation being in the Trustees of St. Mary's Church: there is not even the semblance of a canonical ground upon which it could rest. As to the manner in which the opposition to Doctor Conwell has been conducted: it has been worse than injudicious and unwarrantable. Of course it is now unnecessary for me to add, that with all or any of the acts or principles here described or alluded to, I had not, I have not, and will not have connexion. It is also unnecessary for me to add, that it would be very extraordinary, if I have written any thing inconsistent with these declarations. I have now lying before me, after my perusal, copies of my letters upon these subjects. The Bishop, Mr. O'Meally, every person to whom I have written a syllable regarding the disturbance and disunion of your Church, have my full leave to publish or use in any other way the entire, or any fair extract. If there be found a single passage inconsistent with the above declarations, I shall retract it and express my regret, and thus remove scandal, if I have given it.

But why correspond at all with a notoriously excommunicated Priest? My friends, the church permits it in several cases; this I looked upon to be one of those which was most plainly designated. A charitable interference for his good, and perhaps for the good of others; I wrote under circumstances which not only permitted, but which compelled me, as I thought then, and still believe, to write. Mr. O'Meally wrote me a respectful letter, stating his case, and asking my advice and opinion. I knew he had done wrong. I knew he had been excommunicated. But many worse men, than I look upon Mr. O'Meally to be, after doing wrong, have done right. Was I to refuse advice to those who applied to me, because they were guilty? I knew that the duties of my place were not domination and harshness — but to give counsel, and to procure reconciliation, and when I should find my efforts fail, then steadily to resist those who continued obstinately wrong; being, however, always ready to lay aside resistance when they would relax from their obstinacy. Never to sacrifice principle — but to be ready to sacrifice myself. These are the lessons which I was taught;

those are the principles of administration which the church entrusted to my keeping, and to preserve which I bound myself by the most solemn pledge. I thought, although Mr. O'Meally was not in my Diocese, still he had a claim upon me, if not for justice, at least for charitable counsel. My letter might do good, it could do no harm, I therefore thought myself not only at liberty to answer, but under an obligation of answering his application. In precise, decisive, unequivocal terms, I informed him, that his conduct was incorrect, and I advised him to desist from a ministry which he had no right to exercise. He answered my letter; and upon one occasion, during a correspondence which ensued, he requested my interference upon such grounds as I thought would lay the basis of a reconciliation between the Bishop and the Trustees, though I distinctly informed Mr. O'Meally that in the event of a reconciliation, his claims could not be considered; he pressed me to make the effort, pledging himself that his individual interest should be no obstacle. I wrote to Dr. Conwell for the purpose of having his consent, to mediate, stating my hope that a ground was laid for making an experiment. His answer was substantially, that my former interference had been mischievous and that any repetition or intermeddling in the affairs of his Diocese, was contrary to his wish. To the pressing entreaties of Mr. O'Meally, subsequently repeated, my uniform answer was — That the Bishop of Philadelphia would not allow my mediation. After Mr. O'Meally published an address on the subject, he wrote to me for the purpose of learning whether I would, on behalf of the Laity, if requested by them, represent them at the Holy See. I felt it would be prudent on my part to decline the contemplated appointment, and to accompany the expression of my disinclination with such reasons and statements, as whilst they distinctly marked my condemnation of what was wrong — exhibited an opinion and a hope which I still entertain, that if Mr. O'Meally did withdraw from the church of St. Mary's, the difference between Dr. Conwell and the Trustees could be so adjusted, that principle could be saved on the one side, and feelings on the other, whilst the interests of religion would be upheld and peace and union restored to your afflicted church. I deeply lament the disappointment of this hope, though I still entertain the opinion. However, this I am free to avow, not only is it possible, but it is probable I am in error. Your Bishop knows all the facts of the case; I do not; with his administration, I have no concern, with my own conduct as regards scandalizing you, I have much. To afford you this explanation became a duty. You will confer a favor by allowing it to remove from your

minds any erroneous opinion that I consider the Trustees to be right and the Bishop wrong. As regards the opposition of the Bishop, upon that ground and respecting the right of patronage it is equally so. If the Trustees complain of other grievances, if they feel other inconvenience with this I have no concern, I can neither examine as to their existence, nor could I afford a remedy if they do exist. I have therefore avoided enquiring as to the truth or falsehood of several allegations which were made to me in their respect.

I trust I have now discharged my obligations to your Bishop and to you. I still owe to my Episcopal brethren and to the Holy See, if they shall require it, a more full explanation. To them I am ready to answer, and should they take up my scandals for examination, to their judgment I shall bow. And I trust, that should their sentence reach to my right eye or to my right hand, I shall recollect the injunction of our Blessed Lord. I might have erred, but I shall not be obstinate. I am not the superior of my brother of Philadelphia, neither is he my judge. To the Synod of the United States, consisting of the Archbishop of Baltimore and his suffragans, or to the Holy See, or to both, I am ready and willing to account. To any individual Bishop I shall cheerfully give any further explanation for which he may seek. But the Bishop of Philadelphia must be aware that I owe no more to him than what he has already received.

My Brethren, these are extremely unpleasant appeals; — but I trust I shall stand excused for the explanation, when I was given by your Bishop to understand that I was an abettor of schism. Do, my brethren, bear with my weakness — my heart is full — many accusations have been heaped upon me before — but never until now was I charged with endeavouring to rend that unity, which, if I know myself, I would sacrifice my life to preserve and to defend.

May God grant to you the perfection of charity and the fulness of every grace. May he make and preserve you one fold under one shepherd, with all humility and mildness, with patience, supporting one another in charity, careful to keep the unity of spirit in the bond of peace, one body and one spirit: as you are called in the hope of your vocation. Your Bishop in the Church and your Church in the Bishop; is the prayer of him who feels afflicted at the charge of scandalizing you— when he only intended to advise a brother who was misled— and bring harmony among you.

Yours, with respect and sincerity,
✠ JOHN, *Bishop of Charleston.*[46]

[46] *Miscellany*, vol. IV, pp. 17-20. The letter is dated January 6.

From this time on, Dr. England refrained from any further action in the Philadelphia situation. O'Meally left the city in April, 1825, and went to Rome, where he confessed his error and was absolved on July 25. He returned to Ireland and died in Dublin in 1877.[47]

"After this stage," writes Kirlin, Dr. Conwell "entered upon an unexpected and ill-advised course, which however had a most fortunate termination, and which brought upon him what seemed to be the just condemnation of even his fellow-bishops in the Hierarchy. The step made a martyr of him, but the event justified it as the one method possible of bringing about the complete destruction of the Trustee system in America."[48] It is not within the scope of the chapter to discuss Dr. Conwell's virtual surrender to the trustees after six years of dispute. Dr. England finally realized that there was no hope of terminating the quarrel. In the issue of July 28, 1827, of the *Miscellany*, he writes: "The unfortunate situation in this city [Philadelphia] so far as concerns our religion, has been during a long time, in a variety of aspects, most afflicting. We do not recollect a single moment, during upwards of six years, that there was peace in the diocese; but we have been generally silent, because we found that our interference was not useful, and whilst we knew our intentions to be correct, we were misconceived, misrepresented, and seriously injured, not by one side only, but by both; for we joined neither." But he owed it to that portion of his flock which had successfully in Augusta, Charleston, Savannah, and elsewhere throughout his large diocese, upheld the Constitution against all trustee tendencies of the evil sort, to state quite emphatically that Dr. Conwell had violated the law of the Church in his concession to the Philadelphia malcontents. It is characteristic of his kindness to call Dr. Conwell's act an "oversight," even though he believed in his own heart that at any moment during those six years of bitterness, a *modus vivendi* could have been found but for the grim attitude of one man. Kirlin's estimate is charitable, and it would be well for Conwell's memory if it could stand the test of documentary evidence; but it is hard to read into Rome's severe condemnation of Conwell's concession any justification for the surrender as the one method possible.

[47] Cf. *Records* (ACHS), vol. XXVIII, pp. 75-82.
[48] *Op. cit.*, p. 248.

Dr. Conwell turned to the *Miscellany* as the best means of explaining his act to the clergy and laity of the country, but the same discretion he had taught the young Bishop of Charleston now stood the latter in good stead when it came to complying with Dr. Conwell's request to have certain letters connected with the affair published in its columns. Dr. England knew that the Bishop of Philadelphia had a decided animus against his Constitution and had fought against its approval by Rome, lest it be "extended" to his own diocese. In this attitude he was not alone. Dr. Conwell's letters against Bishop England which have been given in a former chapter, brought a reprimand to the Charleston prelate on August 27, 1825, when Propaganda ordered him peremptorily not to do anything regarding the Philadelphia situation. Everything was known at Rome (*scias omnia jam Romæ nota esse*), and the Sacred Congregation was not neglecting the case.[49] As an example of the spirit with which Dr. Conwell acted towards Dr. England, one letter to the Archbishop will suffice:

Georgetown College, Nov. 4, 1825.

Most Dear & Honoured Lord,

I wished to have seen you this morning but was disappointed. The Cause of my desire was to tell you, that while I was on my way to dinner in company with Bishop England yesterday, the Bishop asked me if I had heard that there had been or there was to be a general correspondence between all the Churches in the *Union,* to settle on some mode of discipline which might ultimately serve the cause of *Religion,* and after expatiating on the benefits desirable from it, he seemed to require my concurrence. I answered him without hesitation, that I did not think such measures could be of Service, that I had found by experience that schemes of this kind would do much injury, that on my arrival in Philadelphia, I had been threatened with combinations between the churches of Norfolk, Charleston, Philadelphia and other places, and that the result of these deliberations among them was to assume the exercise of Ecclesiastical jurisdiction on the part of Laymen which had been done with Success up to this date. He said the business had been progressing and seemed to think I might have known it. I told him I know nothing of it and that I never should encourage it. I wished to see you to tell you this. We arrived here by the Stage, at the same time with Dr. Fenwick who came by a gig with Dr. Dzierozynski.

[49]Prop. Arch., *Scritt. rifer., Amer. Cent.,* vol. 8, pp. 306-418.

I asked Dr. Fenwick if he had mentioned the like to him. He answered that Dr. England wanted him to wait for another day, that he might be present when a memorial would be presented to the Archbishop on a case of importance.

When Dr. Fenwick heard this he hastened to come away telling him he never should be a witness on any matter of importance and thus declined.

I suppose the adhesion to Dr. England's Constitution to be the *Object* or perhaps when he had been on his way through Philadelphia he might have concerted measures with the Hoganites to bring their case before your Grace by way of appeal; that they might continue their Schism as Litigants at Rome.

I think there had been some agitation among them yesterday morning but could not understand the cause; this must have been developed this day before you, by the *Memorial.*

Dr. Fenwick told me that the letter from Rome had not reached him (Dr. England) but that he had heard of it, I suppose by Mr. Hurley which I think should have made him cautious. Dr. England & Co. will go to Boston to stay with and to introduce Dr. Fenwick and then return to New York to raise collections for his intended Church whilst in the interim he can settle the Constitution. I think he will return by Cincinati and Kentucky for the same purpose. I have nothing more to say at present than that I have the honor to be your Grace's ever devoted and faithful friend and brother,

✠ Henry Conwell,
Bishop of Philadelphia.[50]

Dr. England's reply to Propaganda's reprimand, dated November 4, 1825, is a spirited vindication of his conduct, and he says quite frankly that the whole situation in America was not known at Rome, where, he adds, neither the genius of the American people nor their mode of government were accurately understood; the fact, he avers, was evident from the Cardinal-Prefect's letter itself. Dr. England considered himself condemned by the Sacred Congregation not only unheard but on the testimony of secret witnesses.[51]

Dr. England comments on this painful incident in a letter, dated Charleston, May 27, 1827, to Father John Ryan, O. P.: "I however mentioned that I thought he (Conwell) owed more to justice than to me, namely, an explanation to Rome that he had written incorrectly concerning my conduct, when he was under a mistake re-

[50]BCA—Case 16—Y9.
[51]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 6, p. 202.

garding it, if he was, as I stated I believed him to be the writer of the statements by which Cardinal Somaglia was misled, when he wrote me an unwarranted reprimand that has not been as yet retracted... As I expected, I had no answer to this letter."[52]

The fiasco of the *Pactum* between Bishop Conwell and the trustees did not end the miseries which afflicted the Church in Philadelphia. In November, 1826, Fathers Harold and Hayden were appointed by Bishop Conwell as pastors of St. Mary's but in April of the following year Dr. Conwell removed Harold from the Vicar-Generalship and then suspended him without giving any reason for his act. Instantly the old fires of animosity sprang up from the dying embers of the schism. A letter from Father Ryan, O. P., to Dr. England, dated Philadelphia, June 12, 1827, gives us the saddening details of the situation, but the present writer does not wish to be responsible for publishing it, so vivid is its insight into Conwell's character. The Memorials sent to Rome by the Trustees of St. Mary's in July, 1827, left little room for doubt that Bishop Conwell's usefulness in the Diocese of Philadelphia was over, and on July 15, 1828, in obedience to the wishes of the Holy See, the aged prelate sailed from New York to Havre on his way to Rome.[53]

In March, 1828, Fathers Harold and Ryan were ordered by the Holy See to leave Philadelphia and to go to Cincinnati, where a member of their own religious Order, Rt. Rev. Edward Dominic Fenwick, O. P., was bishop. Father William Mathews, Pastor of St. Patrick's Church, Washington, D. C., was appointed Apostolic Administrator of the Diocese of Philadelphia. Father Harold's appeal to the United States Government to protect him against the orders of the Vicar-General of the Dominicans, in June-July,1828, brought the dissension boldly before the American people. On June 24, 1828, Dr. Conwell recalled Father Ryan's faculties, and on July 21, 1828, Father Mathews withdrew the faculties of Father Harold, leaving to both of them, however, the liberty of saying Mass in private.[54] Dr. England had always held the two Dominicans in the highest esteem. Father Ryan he had known personally in Cork, while they were priests together in that city, and Father

[52]Dominican Archives at Tallaght.
[53]*Atti* (1817), pp. 367-390; *Lettere*, vol. 308, f. 516.
[54]*Records* (ACHS), vol. IX, p. 318.

Harold had borne a national reputation in Ireland before coming to America, a reputation he was to enhance on his return definitely in 1829.

With the death of Archbishop Maréchal (January 29, 1828) and the consecration of Archbishop Whitfield (May 25, 1828), the Bishop of Charleston saw the way clear at last of all obstacles to the only sure method of bringing discipline into the American Church, namely, the holding of a Provincial Council. A few weeks before the Council convened in October, 1829, Dr. England met Father Harold in Philadelphia (September 16, 1829) and took him to task for his appeal to the Government in a matter which was solely ecclesiastical. On September 26, 1829, Dr. England wrote from Georgetown, D. C., to President Jackson asking that copies of all the correspondence between the Fathers Harold and Ryan and the United States Government "should be furnished to me for publication, so that the citizens at large should be satisfied that no unconstitutional interference in their religious concerns shall be permitted by the President of the United States." The following day he called upon the President at the Executive Mansion, and was assured that his request would be granted. These letters Dr. England published in subsequent editions of the *Miscellany*.[55]

The departure of Fathers Harold and Ryan for Ireland and the coming to Philadelphia of Bishop Francis Patrick Kenrick, as coadjutor-Bishop of that See, in 1830, were the final public scenes in the long struggle. Difficulties still remained, but they were of a domestic nature, owing to Bishop Conwell's return to Philadelphia in 1829. Here he spent long and weary years, blind and incapacitated, until his death in 1842.

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[55]Dominican Archives at Tallaght.

CHAPTER XIV

Bishop England and the Dissensions in New York (1821-1826)

New York never saw its first bishop, Dr. Richard Luke Concanen, who died at Naples, on June 19, 1810. Nearly five years were to pass before its second bishop, Dr. John Connolly, arrived in America's growing metropolis. This long delay was due to one of the saddest episodes in the history of Church organization after the captivity of Pope Pius VII. It required almost half a century to extirpate the weeds of maladministration that had taken root in New York during this interim when it was, for all practical purposes, ecclesiastically acephalous. New York needed a bishop's care, direction, and jurisdiction more than any other city of the United States at the time. Its Catholic congregation was composed of a goodly mixture of cultured Irish, French and Spanish; and had it been from the outset carefully welded into a compact American diocese, the evils which linked its flock with the disturbing groups of Philadelphia, Charleston, and Norfolk, might never have arisen. It is quite probable that, had New York possessed real leadership, the Catholic group there, bishops, priests and people, might have given the keynote to an orthodox adaptation of Old World customs to the Catholic life in the United States, and thus have avoided the anti-clerical evil of these early years.

The ten years of Bishop Connolly's episcopate in New York (1815-1825) have been variously judged. John Gilmary Shea's estimate is clouded by a false vision of Irish influence in his election to the New York See and by the opinion that owing to his allegiance to the English crown, his appointment to an American See was "a grave national discourtesy." This can be passed over without discussion. Dr. Connolly's election was solely the action of the Holy See, and was a reward, if such a promotion from the peace of the cloister to the turbulent conditions of New York can be so called, for his services to the Holy See during many long years, especially during the time when the ecclesiastical institutions of

Rome were at the mercy of foreigners. The action of the Holy See in sending an alien subject to America might, indeed, have proved unfortunate; but Bishop Connolly soon allayed any fears on that score. Trouble arose and arose quickly on all sides, however, and if a judgment on his episcopate must be made, it must be made with a full knowledge of the conditions he found in his diocese on his arrival. Bishop Connolly's experience in the score of years he had acted as agent of the Irish bishops was joined to sound theological and canonical learning. Of his zeal nothing but praise has been written.

The two churches in the city of New York, St. Peter's and St. Patrick's, formed a financial unit governed by a single board of trustees. Soon after Bishop Connolly's arrival, it became evident that the board either was unwilling or unable to place these two churches on a secure financial standing; in fact, both became so poor that neither the bishop nor the clergy could be given the salaries agreed upon. In consequence, Bishop Connolly dissolved the single board of trustees, incorporated the two churches separately (April 11, 14, 1817), and secured control of the Cathedral by having a board elected loyal to himself. He then attempted to gain control of St. Peter's by a similar election, and this precipitated the quarrel which disturbed the Church of New York until the time of Archbishop Hughes.

The storm which broke in the New York Church about the end of the year 1817 was a severe one while it lasted, and none of the participants came out unscathed. Father Malou's attack upon the Bishop brought counter-attacks, especially from Father Ffrench; and as early as April 20, 1818, a long document of twenty-six pages was forwarded to Archbishop Maréchal in Malou's vindication. Bishop Cheverus, who was watching the forces of order and disorder south of Boston with his usual aloofness, suggested to Maréchal (June 25, 1818) that the only hope for peace lay in the appointment of an Apostolic Delegate. If it were any solace to him, Maréchal might have taken courage from the fact that Archbishop Troy of Dublin had written in his usual frank way (July 31, 1818) that he was greatly "concerned that the misconduct of my clerical countrymen should give scandal" in the American Church. It

was about this time that the priests and laity who were abetting the trustees from New York to Charleston were plotting the Independent Catholic Church of America.

The five years of Dr. Connolly's episcopate were indeed crowded with charges and counter-charges from the trustee faction and the supporters of the Bishop. Gradually, however, so far as the disorder in New York is concerned, all the old causes of the quarrel—financial difficulties with the trustees, preference in the posts of the diocese, and personal jealousies—were forgotten in the larger question of race against race. We have deliberately kept our pages clean from the accusations which *ecclesiastico more* enraged clergymen made against one another. One fact, however, as has been described, was paramount: everything done by the Holy See and by the Church authorities here to bring peace had ended in dismal failure. The Irish believed themselves hemmed in on three sides by French prelates, Plessis in Quebec, Flaget in Bardstown and Maréchal in Baltimore. Upon the three new bishops (Conwell, Kelly and England), all from Ireland, and especially on John England who was recognized as a leader of their race, the Irish depended to win for them what they believed they were being defrauded of—just representation in the affairs of the American Church.

Such was the condition of affairs in Bishop Connolly's diocese when the young Bishop of Charleston started north from Norfolk (August 30, 1821), to visit Baltimore, Philadelphia, and New York. His chief purpose, as we have seen, apart from making his first formal visit to his metropolitan at Baltimore, was to arrange for the reprint of an English translation of the *Roman Missal.*[1] He reached Philadelphia, as has already been noted, on September 1, starting at once for New York, where he arrived the following morning. He went to the home of his friend, Father John Power, and then to St. Peter's, where he celebrated Mass. The news of his arrival quickly spread, and he was soon sought out by many of the malcontent groups in the city.

Dr. England spent six weeks in New York city, as Father Power's guest at St. Peter's Rectory, devoting most of that time to the long *Explanation of the Mass* and to the proofs of the *Roman*

[1]*Diurnal*, p. 31; *Records* (ACHS), vol. VI, p. 188; vol. XVIII, p. 378.

Missal. John Power was one of the remarkable ecclesiastics of the American Church. He was born at Cork on June 19, 1792, of a highly respected family, and was educated in the schools of Cork and later at Maynooth. Among his classmates were John MacHale, the celebrated Archbishop of Tuam, and Father Theobald Mathew, of total abstinence fame. Father Power was one of the first, if not the very first, of the Maynooth men to come to this country. For a time after his ordination he was a professor in the Seminary at the Cove of Cork and curate of Youghal. Archbishop Corrigan, who says that he came to St. Peter's, New York City, at the request of the trustees in 1819, writes:

> Father Power was a man of great learning, piety and talent, a ready, extemporaneous speaker, and a good writer. Evidently he was very much thought of by the Catholics of this city, as he was called upon, on all prominent occasions, as their spokesman and representative. He published some works of devotion, a translation of part of the Royaumont Bible, and a catechetical History of the New Testament. His controversy with Parson Brownlee, in which Father Levins also took part, was much spoken of at the time, and long remembered. He was a man of great benevolence and sweetness of character, and universally esteemed. Cardinal McCloskey used to speak of him with great affection and veneration.[2]

Father Power believed, as he once expressed it to Dr. Cullen, that Dr. England was "a true Prelate and an ornament to the Hierarchy . . . . the only one on the Episcopal Bench in this country who can be said in every sense of the word to be in his place"; and Bishop England always considered his friend and compatriot an exemplar of all the priestly virtues, and well worthy of promotion by the Holy See.[3] No documentary evidence for their conversations during this long stay in New York has been discovered, and it is problematical whether Dr. England's appointment of the young clergyman as his secretary was merely for the negotiations which he expected to carry out in Philadelphia or was the initial stage of future plans, which were not realized. At any rate, Father Power

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[2] *Historical Records and Studies*, vol. II, p. 42, article by Corrigan, *Register of Clergy etc.* A biographical notice of Doctor Power will be found in the *Metropolitan Catholic Directory* for 1850, pp. 215-216. Power's volume (New York, 1824) is entitled: *The New Testament by way of Question and Answer, with Illustrations taken from the Holy Fathers and most approved Interpreters.*

[3] *Records* (ACHS), vol. VIII, p. 466.

accompanied him to Philadelphia on October 15, and acted as his intermediary and witness in the effort to bring peace to the Church in that city. When this failed, Father Power returned to his parish.

Father Power's name is conspicuously absent in the Roman correspondence for these years (1819-1821). He had arrived but recently in America, and, while thoroughly obedient to Bishop Connolly, he could not fail to realize that the situation would grow worse unless a remedy were quickly applied. Father Power was then about twenty-nine years old, a priest of fine appearance, of gentle and persuasive disposition, and was winning a reputation for his ability to manage the troublesome trustees. He was acknowledged to be one of the eloquent preachers of the city, and in spite of his youth the sentiment was abroad at the time that he would satisfy all the Catholics in New York, if he were to be made Bishop of that See.

No two ecclesiastics in the American Church of the day were so well fitted to lead as Father Power and Dr. England. It is not surprising that all along the years until England's death, their friendship was fast and their views on Church problems and discipline identical. Dr. England had had up to that date sufficient experience with church questions in the United States to speak with authority on the same. He was still Father Power's guest, when, on October 9, 1821, he wrote to Archbishop Troy, from New York, one of the strongest letters he ever penned. The letter itself needs no commentary:

My dear and Respected Lord,

> I have to entreat your Grace's countenance and encouragement for the sale of some copies of a translation of the Missal, which I have procured to be published here and to which is prefixed an explanation of the Mass etc., containing upward of 100 pages, hastily put together by me. Besides being under the necessity of getting off part of the edition in Ireland, there is another motive of the publisher's which your Grace would approve of, viz., to assist by the price his numerous family in Ireland. The Rev. Mr. Campbell of your city has been written to by Mr. Creagh the publisher, and will show your Grace the prospectus, and I am certain my good friend Archbishop Murray, and the Rev. Crotty, Messrs. Lube, Gore, etc. will exert themselves to forward my views in this, as I shall theirs in anything at this side of the Atlantic.

I wish we were nearer to Rome than we are, or that the state of our miserable and distracted Church was better known there. I know not how I ought to act. I see such a complete want of system, cooperation, zeal, ability and knowledge in most places, and the infatuation of a few and the crimes of others, spreading ruin widely through the States. The Presbyterians, Episcopalians, Methodists, Baptists and a thousand other denominations are far beyond the Catholics in point of numbers, talent, appearance and progress, and this is not the fault of the Catholic Laity, but of the Clergy, and in some instances of a Bishop. The Archbishop refused to call a Synod. Schism is making head under his eyes and he will not interfere. Philadelphia is in a state too horrid to think of. The unfortunate Mr. Hogan, who is the cause of the Schism, followed me hither, pledged himself before God to abide by my decision if I would investigate his case. His supporters, and they are the most numerous, most wealthy and best informed men in the city of Philadelphia, made the same pledges. I wrote to Dr. Conwell entreating his permission to enter upon the examination and pledging myself that I would give him peace, reconcile his flock, and if he chose, receive Hogan into my Diocese and thus take him from Philadelphia, if he would authorize me to act in his name. Hogan pledged himself to me to leave the city after having had an opportunity of bringing forward evidence to vindicate his character from the vilest aspersions, which he stated to be unfounded. Dr. Connolly wrote to say the Bishop would leave the examination of the case to me. Some of the priests in Philadelphia tore open my letters, broke my seal, published the contents and set both parties into the worst paroxysm of rage. The Bishop was by them prevented from coming to Philadelphia, and when he got my request, was prevented from answering, and the vilest machinations and perjuries pressed into the service of the supporters, who have not only lost the confidence of the people, but driven them to worse than Schism by their own glaring misconduct. I know not what to do. If I write to Rome very probably I shall be told I have nothing to say in Philadelphia. Rome does not, cannot know the state of things here. What is to be done!

I have met some of the best Catholics in America, who see and deplore a thousand things like this; men who would sacrifice money most liberally where it would promote the good of religion, and who now would give nothing for they are in despair of ever seeing religion flourish. What would your Grace think of a Prelate who has written to me in answer to my entreaty that he would leave me a priest to look after

Charleston for a few months, whilst I visited a part of my Diocess to get a few Churches built and to give some instructions—"I cannot leave him, and you have here no business to think of building new churches or looking for Converts, you have more than enough to do in keeping up your duties." Yet I have been able, thank God, to make eleven new Congregations in my Diocess and have already had more than forty converts, some of them respectable and talented.

For God's sake and the sake of Religion, beg of Rome, for you know how, I wish I did also,—not to ruin this country by pouring in upon it a deluge of ignorance and folly which will not be received. There is here more information than in Ireland, more means than in Ireland, more fanaticism than in Ireland, more freedom than in Ireland, and more true search after religious truth than in Ireland. Nothing but knowledge and virtue will here command respect in religion, and yet one would think that the very off-scouring of the earth has been selected to plant Catholicity here. I may write with vain feelings, but your Grace must make some allowance; you would not be patient if you saw what I do, and if the Propaganda knew what I do, they love Religion too well to continue to act as they have acted hitherto. If your Grace be the means of their treating America in a more judicious way you will have great merit before God, and do an act which will be highly beneficial to millions. I may now safely say that my Diocess and another are the only two where there is peace. Priests and people in mine only wish to know what I desire and it is done, yet I have not found it necessary to say one harsh word, and mine has been the most turbulent in the Union. I am not known at Rome. I have nothing to communicate about Charleston but what is pleasant. You are known, you have weight and for God's sake obtain for America something like discipline and order, and you will deserve the blessings of millions, and you will have the lasting gratitude of

Your much obliged,

✠JOHN, *Bishop of Charleston.*[4]

On the following day (October 10, 1821) the interview with Dr. Conwell occurred. "I had a long explanation," he says in his *Diurnal*, "to satisfy him of the object of my proposal of interference." No word in the short notices of his diary would lead us to believe that England saw Bishop Connolly during this visit. He

[4]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 7, ff. 11-14 (the original letter in English).

left New York on October 15, the day after Archbishop Maréchal had sailed from New York for Rome. Two months later he reached Charleston (December 4, 1821).

No ecclesiastic was better known to the thousands of Irish Catholics who had come to America during the first twenty years of the nineteenth century than Bishop John England. His reputation as an eloquent pleader against injustice in his own land had preceded him; and the Irish clergy and people of Philadelphia and New York fully expected him to become their spokesman in the fight to the finish they had undoubtedly instituted against French influence in the American Church. In this they were disappointed. Dr. England had taken no sides from the day he reached Charleston. He had not nullified any of Father Fenwick's acts in the Southland and had reinstated the two leaders of the Irish opposition without creating any sentiment of ill-feeling on the part of Maréchal's former Vicar-General. His own Diocese of Cork had suffered too long from a quarrel almost similar in scope, and he had learnt the futility of trying to settle a question by taking sides in it. He was impartial to the highest degree, and his efforts, given with a generosity that was then exceptional in American Church affairs, were given as a peacemaker.

His attempt to bring about an understanding among the belligerents of New York was resented and was to cause him many months of anxiety; for he was struck, as we have seen, in what was the project lying nearest his heart, the publication of the Missal in English. Maréchal in Rome, Poynter in London, and the officials of Propaganda were in league to stop his project. To win out over them spelt defeat, as he confesses in a letter, remarkable for its insight, to Archbishop Troy, the following year (1822). But, if he failed in New York, he brought all of the furies of the Philadelphia schism about his head, when he endeavored to settle that disgraceful quarrel by taking the ringleaders to South Carolina with him. From the vantage point of a century, Bishop England's part in the trustee trouble appears foolhardy, unless it be judged in the light of a Christ-like zeal for the good of Catholicism.

Sometime after the General Session of July, 1821, the Sacred Congregation wrote to Dr. Connolly asking him if he would accept

Bishop Kelly of Richmond as his coadjutor, since Rome had decided to agree to Archbishop Maréchal's request that the Diocese of Richmond be returned to its original See.[5] We have not been able to find Dr. Connolly's answer, but there is little doubt that it was in the negative. About this time, the rumor was abroad that Dr. England was preparing to go to Rome, to obtain another See in the United States, on account of the climate in the South, and it supposed by those who were opposed to him, as undoubtedly the entourage of Maréchal was, that he had New York in mind.[6]

On August 28, 1824, Propaganda replied to Dr. Connolly's request for Father Michael O'Gorman as his coadjutor by writing to Archbishop Maréchal for information on the young priest, and by requesting Dr. Connolly to send in two other names in accordance with Canon Law.[7] In his reply to Propaganda, October 27, 1824, Maréchal thus speaks of Father O'Gorman: "*Est Sacerdos Hibernus omnino destitutus dotibus qui in Episcopo requiruntur. Ne vel quidem prima principia Theologiae nescit . . . valde mediocrem pietatem habet. . . . Barbare linguam Anglicam et scribit et loquitur . . . adeo agrestes sunt ipsius mores ut ejus commercium et societatem repugnent omnes Catholici qui aliquam decentiam aut politos mores habent. . . .* "[8] A letter was sent also (November 27, 1824) to Bishop Kelly of Richmond who was then installed as Bishop of Waterford-Lismore, in Ireland, asking for information on O'Gorman, who had been his pupil in the Seminary at Kilkenny. Dr. Kelly's answer speaks of the young priest as worthy in every respect of episcopal dignity. He had remarked his piety and docility as a student, and for four years had watched his career in New York, where he was conspicuous for his piety, zeal, and devotion to the Holy See.[9] Father O'Gorman died in November, 1824, and the project of the coadjutorship was dropped.

Two days before his death (February 5, 1825), Bishop Connolly appointed Father John Power Vicar-General, and, in case of his death, Administrator of the Diocese of New York, as we learn from

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[5] *Ibid.*, *Lettere*, vol. 302, fol. 501.
[6] Whitfield to Maréchal, February 21, 1821 (BCA, Case 21-I6).
[7] Prop. Arch., *Lettere*, vol. 305, fol. 507.
[8] *Ibid.*, vol. 325, fol. 527.
[9] *Ibid.*, *Atti* (1825), fol. 188.

Power's letter to Archbishop Maréchal, on February 16, 1825.[10] The troubles in New York had reached a much calmer stage some months previous to Bishop Connolly's demise, but it was evident to everyone that the faction which called itself French or anti-Irish had determined to promote the candidacy of Father William Taylor. We catch a glimpse of what was going on behind the scenes in a letter to Father John Ryan, O.P., from William Denman, the publisher of the *Truth Teller.* The date is probably June 30, 1826:

> I shall not go so far back, as the state of feelings and party during the latter part of the life of our Reverend Bishop Connolly. You of course are acquainted with these matters better than I. . . . Mr. Power with a fatuity which appears to amount almost to folly, has restored *all* those whom Bishop Connolly thought proper to suspend. *Collectors* from all quarters in the shape of *begging* Bishops, *begging* Clergymen, and *begging* laymen, have all had permission to encroach upon the good nature of the Catholics of New York, all to the injury of the debt of the Churches here. Amidst all this variety, I had fondly anticipated that at least as far as I was concerned, that I had *waded* through the *mud thrown up* by Mr. Taylor through the means of the press, and that this Gentleman adhering to his intention as publicly announced by himself, of proceeding to France, simply intended to pass through this City on his way thither. New York is destined, I am afraid through the *weakness* of the Bishop (as Mr. Power conceives himself to be in embryo) and the intrigues if I may use the expression, of Mr. Taylor, to be the Theatre of a contest which if something very extraordinary does not intervene, will beat Philadelphia *hollow,* in her late disturbances. In truth Taylor's arrival in this City, announced officially through the *Evening Post,* was the signal for all parties to rise. All is now on the War establishment. Mr. Power *unwilling* to have Taylor to remain and not possessing the *nerve* to say so off hand allowed him to remain here, until the power having become "Greater than the throne itself" has been appointed to this diocess and City! The moment Mr. Taylor arrived here, the French (françois) party rose *en masse* in his favor, petitions as long as my arm, signatures as large as possibly could be written, appeared. Application was immediately made by a person of high standing to Mr. Pardow, informing him that it would be *well* and would *be expected*

[10]BCA, Case 9-Y4.

that the Trustees of St. Patrick's *would wait* on Mr. Taylor, and present an invitation to him and he would consent to remain here! Mr. Pardow very prudently declined any interference, either he or his colleagues, in the concern. They did not wish to interfere with the *Spiritual* concerns of the Church, the power of appointing lay with the Vicar General, he was at liberty to act as he thought best for the welfare of the Congregation. The *Onus* was placed on the proper party, and Mr. Power *against* his inclination has literally been forced to give in and make the appointment. So far, so good. But is it to be supposed the Bishop's party that was are idle? The very reverse is the case. In addition to written petitions, there have been printed petitions and appeals recalling to the minds of the people Taylor's celebrated Chatham Speech, etc. I am credibly informed, a committee have remitted funds to Mr. Ffrench in Nova Scotia, and that he is actually on his way here!!! Now my Dear Sir, tell me if this is true, what will be the result of all this? And also, that Mr. Power has given authority to the French Catholics of this city to build a *French* church, *French* clergy, *French* seatholders, etc. And these are the very people who say that if the trustees refuse Taylor a Salary they will pay him out of their own pockets! Such then is the present aspect of the Catholic hemisphere of New York. Party strife is hard at work, and I believe *entre nous*, that Mr. Power is sanctioning Taylor on the one hand, and is at the head of a secret party undermining him on the other! Now I ask you in the name of God, is this the mode in which our clergy are to act? Is this what we have a right to expect? This conduct in regard to Taylor is precisely of a piece with his conduct to Bishop England. He *promises* to England, to have St. Patrick's Cathedral to preach a charity sermon for himself, without knowing whether the Trustees would consent to this, and I do believe had I not persuaded Mr. Pardow, for the sake of Unanimity, the Trustees would have not allowed the Bishop to preach. He on one hand, originated the *Truthteller*, and with the other endeavoured to put it down. He now finds that the *Truthteller, in spite of him*, has put down the other papers, and is now *openly* recommending the *Truthteller* and underhand encouraging this new project of the *Miscellany*. And what is the result, why that a few have become Subscribers to the *Miscellany*, and *as they say they cannot* support two papers of his recommending, and that they will not give up the *Truthteller;* they must throw up the *Globe*, and thus poor Tom Clarke is thrown upon his back. Now why in the name of common sense all this maneuvering. Why not make up his

mind and then boldly come forward. Now what are the real facts. He is involved by *indorsed paper* I am credibly informed to the amount of $2,000, for the *Globe.* The *Globe* is going down, and Clarke after a million of changes has at length relinquished it *in toto* to one Johnstone. Now how Father Power is provided for I know not, but to crown all, he buys some of *our paper* from Bishop England, and indorses a note for the amount of the purchase on the Bishop. Is this the way our clergy in England and Ireland would act? Is this the business they are to be employed in? Is this the manner they are to be teased and tormented to the injury of their spiritual concerns? I anticipate, that you will agree in thinking it is not. In truth he has got so much on his shoulders now that he does not well know how to turn himself.

I hope there are prospects of better days for us. Is the report which is circulating fast here entitled to credit, that you as Vicar, Mr. Harold as Bishop, are expected here? God in his infinite mercy grant it may be so.[11]

Dr. Maréchal apparently wrote to Father Taylor on February 11, 1825, asking his opinion on Dr. Connolly's successor. Taylor's answer, dated Boston, February 17, 1825, contains a word or two on the rumor that Dr. England might seek the vacant post:

Most Revd. Sir,

I returned last evening, from Salem, where I had been, since Monday, on professional duty, and found your letter of the 11th. current, on my table. I will write to your Grace with unusual confidence and I thank you sincerely for the respect you entertain for my judgment when you condescend to ascertain my opinion relative to the aptitude of the person who may be destined to occupy the See of New York.

When I formerly resided in his house with the late Bishop Connolly, he requested me to invite from Ireland, a clergyman of my acquaintance and choice; I invited the Reverend John Power and since his arrival his ministry has been useful and his conduct correct and unimpeachable. If I permitted a strong feeling of friendship and warm personal attachment to influence my judgment I would incline to give a decided preference to the present administrator of the Diocess; but my beloved Father (pardon the familiarity, it comes from my heart), on all occasions the interest and prosperity of Religion and the Church, in the mind of a Christian Priest, ought to be paramount and to the advancement of these objects the friendship

[11]BCA, Case 20-K8.

and attachments to persons ought and should be sacrificed. I therefore unhesitatingly declare to your Grace that *rebus positis ut sunt* I would not like to see my bosom friend promoted to the Bishoprick of New York. The time will come, I am persuaded, when his judgment will be matured and when he acquires more experience and then I am sure your Grace will lend your influence to place him in a situation to which his virtues and acquirements may entitle him.

The Church of New York is destined to become the most important in the Union and requires as its Bishop a man of consummate prudence, sound judgment. ecclesiastical erudition and vital piety. Six or even eight clergymen would be scarcely adequate to supply the spiritual wants of the flock in the city and I know of no place where a good French Preacher would do more good or where he is more necessary. The French part of that congregation had during the late administration, been shamefully, and I will add, culpably neglected.

If your Grace could procure the nomination of the Reverend Anthony Kohlmann, S.J. to the See of New York, I am persuaded our Holy religion will flourish in that city. Mr. Kohlmann's deportment was edifying and impressive and he was reverenced by all parties, in that city almost to adoration. I think, with profound deference to your Grace when I say, that your Grace urge the measure as essential to the prosperity of the Church nor do I think any difficulty will be made obtaining a dispensation of the vow which attaches or binds him to the Society.

In a conversation "*Manet alta mente repostum,*" I had with Dr. England, in which he deeply lamented the prostrate condition of Religion under the late Bishop, he seemed *anxious* for a translation to New York. I am not acquainted with the merits of other clergymen and of course can't recommend them to your Grace. I know the arrival of Mr. Kohlmann would cause exultation and joy and next to him, if he be old enough and I don't know, Benedict Fenwick or the present Administrator, who I am persuaded will be always distinguished by prudence and piety. I am Most Reverend Sir,

Your faithful and devoted servt.
WILLIAM TAYLOR.[12]

The archbishop wrote also (February 11) to Dr. England asking his advice in the sucession in New York, and it is no surprise to find the Bishop of Charleston supporting the candidacy of his old friend, Father Power:

[12]BCA, Case 20-S16.

Most Revd. Sir,

I have this instant received your letter of the 11th marked *confidential.*

Of the contents, save your request to know my opinion of who ought to succeed Dr. Connolly, I had been previously informed. May God be merciful to him,—so far as his abilities could reach he was as good a Bishop as New York will probably have again.

I have not a second's hesitation in stating without any restriction of confidence that Mr. Power is unquestionably the best successor he could have—& that any other choice would be likely to involve us in still more serious embarrassments than we are even now. I know New York well—I am intimately acquainted with most of its leading Catholic members. I know how in critical & dangerous moments Mr. Power has kept them together. I know that no gunpowder was more calculated to explode from the falling of one spark than New York is. And I do not before God know any other man who can so effectually prevent it as Mr. Power. I know his faith to be most pure,—his morality unimpeached, his zeal to be ardent. I believe his judgment to be correct, I know his knowledge is extensive for his years,—his abilities of a very high order,—and his integrity unbending, his courage I have often known to be well proved, his disposition is more for active life, but his piety is solid.

Believe me if the same system which has been pursued respecting Boston be pursued respecting New York—it will not do. I conjure you, in any representation which you make, to insist upon the principle that if Rome wishes to have our religion establish itself here, the reasonable wishes of the people must be taken into account,—& that one of their first and most reasonable wishes is that the clergyman who toils with merit here should succeed to the several churches, & not men who are strangers to the place, strangers to the people, strangers to the government, & strangers to the principles by which the people can and will be led.

I know well what Mr. Power was in Ireland. I know what Mr. Taylor was.—I know also the character and abilities of the gentlemen whom it was thought to select for our *first vacant mitres*, one of them I respect.—*But both are totally unfit.*

With perhaps some just reasons which I can not discover, *I feel* that I am a sort of stranger amongst most of my brethren. —I shall therefore interfere as little as possible outside my own Diocess. I have enough and more than enough to do at home. But with the liberty which becomes my order, I warn you re-

spectfully as the head of the American Church, that there is at present a system pursued in Rome of tampering with & influencing the Propaganda regarding nominations to our Sees which if yielded to will be fatal.—My influence is nothing, but the influence of a National Synod would be much.—You can not be expected to act upon what you might not know.—But I do know the grounds of my assertions. I can not however feel that I ought to communicate them *in writing to anyone.* No one respects the Propaganda more than I do—But if that body will listen to suggestions in Rome respecting this country, in place of taking reports of the Bishops here as they ought to be taken—I shall deeply regret it.

The See of Rome has not yet sent any answer respecting the Constitution of this Diocess, which I know has been received there more than four months since—on which account it has not as yet been printed. You must have mistaken the passage in the letter as the only constitution I promised was that which you received.

I have just seen a letter from Rev. Mr. Clorivière respecting a miraculous cure in the Convent in Georgetown. The Almighty has some wise & great end in view, by these merciful interpositions.

I remain Most Rev. Sir, Very respectfully yours,

✠JOHN, *Bishop of Charleston.*[13]

In the issue for June 1, 1825, of the *Miscellany*, the following notice was published:

The Editor of the *Catholic Miscellany* will please to insert the following, and should he demand payment for three insertions, it will be sent to him by his stating the amount.

NOTICE

To the Roman Catholic Clergy and Laity of the United States.

The Sees of Boston and New-York are now vacant, or if Prelates have been appointed for them, I am not aware of who they are. They will both be filled before I shall probably address you upon the necessity of having some permanent and known mode of having our Sees filled, not by faction, intrigue or accident—but in a manner more likely to be useful and satisfactory than that which is now in operation.

I give the present notice, in order that if I should see it necessary, or useful, to address you, after these Sees shall have been filled, it might be clearly known that my object will be independent of any personal consideration. AMERICANUS.

We make no charge—*Editor.*[14]

[13]BCA, Case 16-J14.
[14]Vol. IV, p. 350.

A diligent search through the files of the *Miscellany* from 1822 until the date of the notice failed to show that Dr. England took any interest in the New York Church after his return from that city. Dr. Connolly receives only a passing mention and Father Power's *New Testament Explained* is advertised with a cordial word of praise; the *Truth Teller* is announced on March 30, 1825; and Dubois' nomination is mentioned on September 2, 1826, though there is a note of anxiety in the paragraph: "We have seen several paragraphs in the public newspapers regarding this See [New York], which has been vacant during eighteen months. It is stated that the Rev. Dr. Dubois, of Emmitsburg, has been appointed thereto. We are without any positive information upon the subject: we have heard some time since that the appointment had taken place; but that this zealously efficient clergyman did not from the peculiarity of his connexion with the rising and most useful establishment over which he has presided, or rather which he has created, feel himself at liberty to accept the nomination . . . During the administration of the Rev. Dr. Power, much has been done for the spiritual benefit of the city and other parts of the Diocess. . . ." In reporting the consecration of Bishop Dubois in the issue for November 18, 1826, Dr. England writes again expressing his regret that Dr. Power was not elected to the vacant See.

Maréchal wanted neither an Irish, French or American priest to succeed Dr. Connolly, as he wrote to Bishop Poynter, of London, on February 9, 1825, but decided that the See ought to be filled by a worthy English priest. Bishop Poynter replied on April 21, 1825:

My Dear Lord,

I duly received your Grace's favor of 9th February, enclosing a letter for Rome, which I forwarded immediately, & informing me of the death of Dr. Connolly of New York. Your Grace, at the same time, urged me in a most pressing manner to second your wishes, in procuring a good English Priest, to be proposed as a successor to the vacant See. I beg to assure your Grace, that I fully entered into your feelings & wishes, & that I have been using my best endeavours to serve you. Your Grace mentioned Mr. Gillow of Upshaw & Mr. Nerinckx. Mr. Gillow would long ago, have been made a Bishop, if his indispensable services at Upshaw had allowed. But the Bishop & all the clergy of the Northern District, would never consent to

see their college deprived of such a President. Besides his age & infirmities now put it out of the question. Mr. Nerinckx of Somerstown is too deeply implicated in his vast establishment to be removed from it. He would never be prevailed to leave it. But I have fixed my eyes on one Priest of this District, who I thought was highly qualified, & whom I was disposed to sacrifice, tho' very necessary for us. I have made two strong attacks upon him, & made use of every motive, which I thought would have its effect. But it will not do. There is indeed one thing against him, what is called an affection of the nerves. I had once made him President of my Seminary. But he became so nervous as to be unable to do his duty. I then placed him in a chapel in London; but it was too much for him. He has now been several years in the Country. But I fear that if I were to force him, I should render him useless. I then applied to two others who in many respects were well qualified. But I have not been able to succeed. I am now quite at a loss. I should not meet with success in the other Districts of England; which complain so much of the want of Priests. Indeed I have been unable this twelvemonth to procure one in England, to be President of one of our Colleges abroad. If I had not succeeded in the present case, I assure your Grace it has not been for want of good will, or exertions on my part.—I am glad to find that Dr. Conwell is now rising above the opposition that was raised against him. If, within the course of two or three weeks, I should find any Person whom I can recommend to Your Grace, as successor to the vacant See, I will write again. But, if you do not hear from me in a fortnight from the receipt of this, you must consider my efforts as unsuccessful.

I have the honor to be with respectful & affectionate attachment, My Dear Lord, *Your Grace's most hble. St.,*

✠William Poynter.[15]

On May 7, 1825, Propaganda wrote to all the American Bishops asking them to propose candidates for the See of New York.[16] And yet without waiting for their answers and in spite of all the alleged evils which had arisen from the action of the Sacred Congregation in its selection for American Sees, and in spite also of the several formal promises made to Archbishop Maréchal that the suggestions of the American hierarchy would be sought before such appointments in the future, it is interesting to note that Propaganda wrote on August 13, 1825, to the celebrated "J. K. L."—Bishop

[15]BCA, Case 19-Y15.
[16]Prop. Arch., *Lettere,* vol. 306, fol. 236.

Doyle of Kildare-Leighlin, asking him to propose a candidate for the vacant See of New York.[17] Previous to this (June 27, 1825), Father Power had written to Archbishop Maréchal that an Irish Dominican in Rome had been appointed to the vacant See:

My Lord

I have seen a letter from Ireland, written by a Clergyman to his brother in this City, in which he says that an Irish Friar in Rome has been appointed to the See of New York and that he is now on his way to America. This if it be true is astonishing, not that I have the least feeling on account of any neglect of myself, for I can as safely say as any other Priest living *nolo Episcopari.* I know what life is and that death advances apace, and that the humble priest with his virtues and his Breviary has as good a chance of going to heaven as the highest dignitary—but my Lord I must feel for Religion, and I must be pardoned when I say that this line of conduct, directly tends to murder her in this country.

What are we to expect from the inexperience of persons who know nothing of the genius of the bad people of these States, who have not a scintilla of piety and who are on the tiptoe to avail themselves of the opportunities of schism and disorder. The Bishops and pastors of such people ought to be men who could meet them hand to hand and foot to foot, men able to wield the energies of the sound part of their flocks, against the unsound, and who would possess the capability of heating a *cold mass* to such a degree of intensity, as to consume those who would come within the sphere of its energies—but those attributes are not to be found in the recesses of Convents, and they are absolutely necessary in the Bishop who wishes to maintain the unity and ascendency of Religion over the minds of wild republicans and bad Christians. As the head of the Church in these States, I humbly submit it to your Lordship's bounden duty to set the Court of Rome right on this subject. I know that great misapprehension as to the state of religion in this quarter of the world, exists at Rome, & I think your Lordship the fittest person to set them right on this important affair.

Having seen the letter alluded to, yesterday, I thought it my duty to give your Grace the earliest information on the subject.

With sentiments of sincerest esteem and respect, I have the honor to remain your Lordship's devoted servt.,

JOHN POWER.[18]

[17] *Ibid.*, fol. 401.
[18] BCA, Case 19-Y6.

Propaganda does not seem to have taken notice of Father Power's appointment by Dr. Connolly as Administrator, for in a letter dated May 7, 1825, in which Maréchal is given faculties to restore Father Peter Malou to his sacerdotal functions, the Archbishop of Baltimore is invested with all the power necessary to regulate the See of New York.[19] Maréchal proposed as his candidate Father John Nerinckx, a brother of the well-known Kentucky missionary, who was then pastor of a church near London; and, on May 21, 1825, Propaganda wrote to Bishop Poynter for information about this priest, suggesting that the Vicar-Apostolic of the London District send also the names of other priests whom he deemed worthy of the New York See.

In the special congregation on American affairs held under the presidency of Cardinal della Somaglia, in April, 1826, the various names proposed for the See of New York were considered. The list given is an interesting one:

1. Dr. Conwell—Dubois, Harold, Ryan;
2. Dr. England—Power;
3. Dr. Flaget—Benedict Fenwick, S. J., Dubois;
4. Dr. David—idem;
5. Dr. Fenwick, O. P.—B. Fenwick, S. J., Dubois;
6. Father Taylor, as administrator of Boston—Anthony Kohlmann, S. J.
7. Father Power, as administrator of New York—Peter Kenny, S. J.
8. Archbishop Maréchal—B. Fenwick, S. J., Dubois.

The majority of votes went to Father Fenwick, S. J. and to Father Dubois. Fenwick was preferred by the American hierarchy to Dubois, on account of the latter's important post as President of Mount St. Mary's College, where he was vitally necessary to the progress of that institution. The Sacred Congregation was also informed that the American hierarchy believed the best selection to be the following:

Father Taylor—Bishop of Boston.

Father B. Fenwick, S. J.—Bishop of New York.

Father Gabriel Richard—Bishop of Michigan.

Father Portier—Bishop of Floridas and Alabama.[20]

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[19]Prop. Arch., *Lettere*, vol. 306, fol. 239.
[20]*Ibid.*, *Atti* (1826), ff. 225-227.

Father John Dubois was elected by Propaganda on April 24, 1826, and the election was confirmed by the Holy Father on April 30.[21] He was consecrated at Baltimore on October 29, 1826, by Archbishop Maréchal, and the sermon was preached by Father William Taylor. Bishop England was not invited to be present.[22] "The preacher," writes John Talbot Smith, "seems to have given a rather harrowing picture of the unfavorable conditions in New York, which struck a chill to the heart of the bishop. He was much relieved on getting to New York that there were no signs of rebellion . . . . His reception, however, was frigid. The people . . . . dreamed of seeing Father Power their bishop, and here was a stranger and a Frenchman on the throne!"[23] In a letter from Mr. John Welsh, of Baltimore, to Bishop England, dated November 1, 1826, there is a reflection on Taylor's sermon which deserves to be made known:

(*Private and confidential*)

> On Sunday the Bishop of New York was consecrated in his own [*sic*] Cathedral. You will perhaps hear much of the sermon of Mr. Taylor; never was there a sermon preached in this city that caused so much excitement among priests and people. He spoke at some length upon the improper means resorted to, to

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[21]Prop. Arch., *Lettere*, vol. 307, fol. 260. In the *Ristretto* of April, 1826 (*Atti*, 1826, ff. 220-227), we find a summary of Maréchal's letters to Rome on Dr. Connolly's episcopate. The Archbishop wrote on February 9, 1825, that "such was the infirmity of Dr. Connolly's mind and body, that he has left his Diocese in a deplorable condition, without a Seminary, without clergy, etc." In his letter of July 15, 1825, Maréchal opposes Dubois' elevation to the See of New York on account of the grave harm it would bring to "my Seminary at Emmitsburg". Kohlmann had written to the Sacred Congregation (March 28, 1825) that no worthier Priest than Dubois could be selected for the See. Maréchal, in the letter of July 15, cited above, says that if he could not secure Dr. Gillow, of Upshaw, "*plus minusve convenirent*" either Fenwick or Dubois. Among those who had written to Rome in favor of Dr. John Power were Bishop England, Father Malou, S. J., Father Thomas Levins, of New York, and Father Robert Browne, of the Charleston Diocese. Maréchal opposed Power—"est junior Hibernus sacerdos, qui neque virtutibus, neque pietate quadam destituitur; sed omnino destituitur auctoritate, quam praebet aetas, experientia etc." Harold was considered favorably, but Cheverus had written from Montauban—"Dominus Harold multis insignitur, et praeclaris dotibus, sed ut res se habent, ad conciliandos animos idoneum illum non existimo". Doyle of Kildare-Leighlin proposed Father Dunne and James Delany. Father Fortis, the General of the Society of Jesus, wrote to the Holy Father, begging that neither Father Kohlmann nor Father Kenny be elevated to the See of New York. Dubois was elected.

[22]Vol. VI, p. 135.

[23]*Op. cit.*, vol. I, p. 34.

procure the appointment of Bishops for this country and addressing himself to Bp. Dubois he said, notwithstanding all his good qualities, his appointment over a people almost exclusively Irish, was a bold and hazardous experiment and one which would or might sever the people from the centre of unity, were it not for the exertion and influence of Irish priests and particularly the influence of that gentleman on his left (Mr. Power) on whom he would recommend him to rest as the pillar to support his throne. He said he had no partiality for French or Irish; he condemned the policy that brought or would bring from an obscure parish in Ireland a Bishop for one of our populous cities, as much as he did the appointment of an unfit person from any other country; either were an infliction upon the Church and we need not go many leagues to see the effects of such appointments—the Bp. of Philadelphia was present—Judge of the shock produced by such a discourse. In every instance I may not have just the precise words of the orator, but there is very little difference. I have stated them much more clumsily; never was a man so much as he is the most vile names he is called by the anti-Irish members of the Church and they are pretty numerous [*sic*]. Having heard of the dissatisfaction he said he would preach the sermon on his return to New York and let it speak for itself. He had some warm conversation with the Abp. yesterday about it, the latter requested that he would not preach and Mr. T. told me when going off in the steamboat last evening that he would do nothing rashly—he might be compelled to preach in his own justification. Our friend Mr. Barry did not hear the sermon, he condemns Mr. Taylor unqualifiedly. I do so only in a very limited degree but do not let Mr. Barry know that I make any remark on the subject.[24]

Father Taylor preached his valedictory sermon in the Cathedral of New York, on Sunday, November 14, 1826, and sailed the following Wednesday on the *Bayard* for Havre. He died in Paris, in August, 1828, aged thirty-nine years.[25]

Though the date of Bishop Dubois' *Pastoral Letter to the Clergy and Laity* of his Diocese (1827) is outside the limits set to this chapter, its place belongs to the subject which has been discussed here. A quotation from one of Father John Power's letters to Bishop Conwell of Philadelphia, who was then in Rome (January 30, 1829), will place the issue clearly before the reader:

[24] Charleston Diocesan Archives.
[25] *Records* (ACHS), vol. XV, p. 485; cf. Zwierlein, *l.c.*, pp. 542-543.

I should hope [he writes], that the Propaganda are, ere this, conscious of the gross imposition that has been practised on them relative to the American Mission, pardon me, respected and dear Father, when I tell you that I think you are bound to inform them of the base consequences of making Bishops of persons, who use a different tongue in this country. It may be supposed that after a residence of many years, they may acquire the language, but their Eminences ought to know that the harsh English tongue, is not learned with the ease that we acquire the sweet Italian, and you yourself can testify that those who have spent the greatest portion of their lives in this country, cannot speak one sentence of English. Doctor Dubois is thirty-six years in America, and when he attempts to give common instructions, thirty-six out of three thousand cannot understand a word of what he says. Hundreds leave the Church and actually go into the Rum Shops while he is speaking![26]

Bishop Dubois took the opposition to his appointment, as voiced by Father Taylor, seriously; and in his *Pastoral* there is a paragraph which reflects not his own sentiments alone but those of all who were to the forefront of the group to which he belonged:

We are aware that our appointment to this See, has been objected to by some, whom we have not the pleasure of being acquainted with, and who most likely do not know us. They were probably influenced by the best, most patriotic, most generous motives. Had we thought that by declining the heavy charge, another appointment would be made, which would satisfy all parties, and promote the interests of our Holy Religion; had We not feared that our refusal might leave this Diocese a long time without a Pastor, and exposed to the inconveniences of a precarious and uncertain government, We would not have sacrificed our comparatively happy and independent situation, and all the good, which would be done there, to the arduous and fatiguing honour of governing this Diocese. So far from considering it a reward, We view it as the last sacrifice we can make to duty and religion. We did not come among you to seek our own interests or gratifications, but to devote ourselves to your service. We can say in words of our blessed Redeemer, We came *not to be ministered unto, but to minister*. After the kind reception which we have met with from our venerable brethren, the Clergy, the trustees of our different churches, both in and out of the city, and our beloved children of the Diocese, without distinction, it may

[26]Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 6, ff. 1041-1042.

appear unnecessary to take any further notice of objections, which may have left little or no impression upon the most part of you, and may have been, upon reflection, condemned by those, with whom they originated; but wishing, as we do, to promote a perfect harmony and understanding between us and all the members of the Diocese, and to remove all grounds of uneasiness on the recurrence of a similar case, if it pleased Divine Providence to preserve our life, We hope the following remarks will be received in the same spirit of conciliation in which they are made.

Had our promotion to this See been objected to, on account of our slender merit, We might submit to silence, or offer for our apology only the purity of our motives for accepting the appointment—but when this promotion is represented as the work of a cabal, when our late Ecclesiastical Superior, and a society of humble, pious, disinterested and unambitious Ecclesiastics are arraigned as the instigators, solicitors and promoters of our appointment; when patriotism, the interests of Religion, the rights of the people, are called in as motives to introduce a practice subversive to Catholic discipline; justice, charity and truth forbid us to remain silent.

As for the first charge, We declare unequivocally, that, so far from that Superior having solicited our appointment, he made every representation, which he could against it, not only as being extremely injurious to his Diocese, to which he considered our services necessary, in the management of the important establishment which We had erected, but incompatible with the financial engagements which We had contracted for it. As for those worthy Ecclesiastics, I can assert without fear of contradiction, that they never either directly or indirectly solicited or interfered with this or any other Episcopal promotion, and were, as well as ourselves, perfectly ignorant of our appointment, until the Bulls of his Holiness arrived.

The next objection has been drawn from our foreign birth; but America has shown lately that a foreigner who has devoted himself to her service, is no longer considered as an alien. If We were not long ago American by our oath of allegiance, our habits, our gratitude and affection; thirty-five years spent in America, in the toils of the mission and of public education, would surely give Us the right to exclaim, *We are American too!* But We are all Catholics. Are not all distinctions of birth and country lost in this common profession? Were the Apostles natives of the countries, to which they were sent to preach the Gospel, and over which they received Episcopal jurisdiction? Is St. Patrick less the patron and protector of

Ireland for having been born in Gaul? In this city there are American, Irish, English, French, Spanish and German Catholics: Is each nation to have a Bishop of its own? When formerly We watched over the couch of our sick American, Irish, and German brethren; when, for thirty-five years, We rode nights and days to afford them the sweet comforts of religion, did they ever inquire where we were born? Why, then, put that question now, as if it were really a reward offered us instead of new labours? And who are those who object to our foreign birth? Are they not in the same sense, foreigners themselves? for, the question was not Why an American had not been appointed, but why it was not an Irishman? as if all old national distinctions could exist amongst us from the moment in which we were engrafted on the American stock, as if We did not cease to be Irishmen, Frenchmen, and Germans, as soon as, by our oath of allegiance, we had shaken off all foreign political ties, to become children of the great American family. Whence, then, this old national jealousy? Did you suppose We would have less affection, feel less interest for the Irish, who are the greatest number of our diocesans? We will not say that such a disposition is unworthy of a Bishop, who is the common father of all; that the long sufferings endured by the Irish, for the sake of their faith, their unexampled fidelity under every species of trials and persecution, entitle them to the respect, veneration and affection of every Catholic, and much more of every Bishop; but We appeal to those dear exiles of Ireland, whom We took to our bosom, and educated at Mount St. Mary's; when they were fatherless and friendless; they found a friend and a father in us. In justice to them We must add, that their amiable conduct and grateful disposition have still heightened in our mind the idea, which we had of an Irish heart, but can this man, who was their friend, when he did not know them personally, and was under no particular obligation to serve them, cease to be so, when his duty and his feelings have rivetted his attachment to them as a precious portion of his flock?

In the *Miscellany* for February 17, 1827, Dr. England has given a list of the hierarchy at that time, with the names and the territories of each prelate:

1. *Archbishop of Baltimore,* The Most Reverend Ambrose Maréchal, States of Maryland and Virginia, and District of Columbia.
2. *Bishop of Bardstown,* The Right Reverend Ben. J. Flaget. His coadjutor, The Right Reverend John David, Bishop of

Mauricastro, *in partibus.* States of Kentucky, Tennessee, Indiana & Illinois.

3. *Bishop of Charleston,* The Right Reverend John England, States of North Carolina, South Carolina and Georgia.
4. *Bishop of Philadelphia,* The Right Reverend Henry Conwell, States of Pennsylvania and Delaware, and the West of the State of New Jersey.
5. *Bishop of Cincinnati,* The Right Reverend Edward Fenwick, State of Ohio, Territories of Michigan and the North West.
6. *Bishop of Boston,* The Right Reverend Benedict J. Fenwick, States of Maine, Vermont, Massachusetts, Rhode Island, Connecticut and New Hampshire.
7. *Bishop of New York,* The Right Reverend John Dubois, State of New York, and the East of the State of New Jersey.
8. *Bishopric of New Orleans,* comprises the States of Louisiana and Mississippi.
9. *Bishopric of St. Louis,* comprises the State of Missouri, the territory of Arkansas, and all to the North and West thereof at the West of the Mississippi.
   The two last dioceses are at present in charge of the Right Reverend Joseph Rosati, Bishop of Tenagra, *in partibus.*
10. *Vicariate District,* comprising the State of Alabama, and the territory of East and West Florida, The Right Reverend Michael Portier, Bishop of Olenos, *in partibus.*

It will be observed that in the above catalogue, there are ten Bishops, as in the Diocess of Bardstown there are two, and the Bishop of Tenagra has charge of two Diocesses. Bishop Portier holds his place as Vicar Apostolic, until it can be seen, from the examination of circumstances, where within the territory the See ought to be located, and some progress shall have been made in organizing the district itself.

The discipline of the Roman Catholic Church in this, as in several other instances, bears a striking similitude to the regulations of the constitutions of the United States. In our union, when a new territory is acquired or is laid off, it remains for some time in a state of dependence upon the general government, and does not possess the rights of a State; but in process of time when its numbers and organization will warrant the change, it adopts a constitution, not at variance with that of the general government, and is received into the Union. So in our church, those districts which from peculiar circumstances, cannot be easily raised to the rank of Diocesses, depend upon

the Holy See, and a Bishop of some See in which residence is not required, is made the spiritual governor, not in his own right, but as Vicar of the Pope, and in process of time, upon the change of circumstances, a See is erected within the territory; the new Diocess enters into communion, and its Bishop now holds his place not as the Vicar of the Pope, but as a successor of the Apostles.

In point of fact the two Diocesses of New Orleans and St. Louis are now vacant, but will speedily be filled by the appointment of the Right Rev. Doctor Rosati, to one, and of some other person to the other, and the Vicarial district of Alabama and Florida will in due season be erected into a Diocess, meantime all the wants of the district will be fully provided for by the respectable prelate in whose charge it is placed. We congratulate the Catholics of Alabama and of Florida upon this appointment and regulation which was indeed long needed; but in our states the wants of our church increase too rapidly to allow us to procure in due season the means of their supply. The great want is that of a sufficiently numerous good clergy; and this can only be supplied by the creation and support of ecclesiastical Seminaries, in contributing to which the laity have not been sufficiently active or zealous.

Besides the ten prelates above enumerated, there are now living three others who have been members of our Hierarchy, viz: The most Rev. John Cheverus, Archbishop of Bordeaux, formerly Bishop of Boston; the Right Rev. Patrick Kelly, Bishop of Waterford and Lismore, formerly Bishop of Richmond, now united to Baltimore; and the Right Rev. Wm. L. Dubourg, Bishop of Montauban, formerly Bishop of New Orleans.

There have died, the most Rev. John Carroll, first Bishop and first Archbishop of Baltimore; the most Rev. Leonard Neale, second Archbishop of Baltimore; the Right Rev. Richard L. Concanen, first Bishop of New York; the Right Rev. John Connolly, second Bishop of New York, the Right Rev. M. Egan, first Bishop of Philadelphia.

The result is:

Bishops now in office in the U. S.	10
Translated to Sees outside the U. S.	3
Died	5
Total	18

> Little more than thirty-six years have elapsed since the first see was created in the United States.[27]

John Talbot Smith claims for Father Power the founding of New York's diocesan weekly, the *Truth Teller*, the first number of which was issued on April 2, 1825, under the management of two gentlemen, George Pardow and William Denman.[28] If this be correct, it is hard to understand why Father Power would have taken part in a new venture which undoubtedly had a retarding effect upon Dr. England's newspaper, the *United States Catholic Miscellany*. This latter periodical, the first Catholic weekly to be established in the United States, and the source of much of our information on the history of the Church in the United States at this period, deserves a chapter to itself.

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[27]Vol. VI, p. 238.
[28]Cf. *Historical Records and Studies*, vol. III, pp. 62-65.

CHAPTER XV

The "United States Catholic Miscellany" (1822)

Strictly speaking, there was no Catholic periodical in the United States before the founding of the *United States Catholic Miscellany* (June 5, 1822) by Bishop England. To this statement there are apparently two exceptions: the *Michigan Essay and Impartial Observer*, begun by Father Gabriel Richard, at Detroit, on August 31, 1809; and Irish journals published in New York City from 1810 to 1822: the *Shamrock* (1810), and the *Globe* (1819). These latter, the first a weekly and the second a monthly publication were not issued professedly in the interests of Catholics and of the Catholic religion, though they were "more or less in marked and close sympathy with the Faith."[1] They are best described as American organs for the cause represented by the United Irishmen, since they were conducted by such men as Mathew Carey, William Duane and other Irishmen in the United States devoted to the freedom of Ireland, or by others who were exiled after the collapse of the United Irishmen movement.[2] Among these were Dr. MacNeven[3] and Thomas Addis Emmet.[4]

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[1] *A List of Catholic and semi-Catholic Periodicals published in the United States from the earliest date down to the close of the year 1892*, article by Rev. T. C. Middleton, D.D., O.S.A., in the *Records* (ACHS), vol. IV (1893), pp. 213-242. Additional source-material on this subject will be found in the *Records* (ACHS), vol. XIX (1908), pp. 18-22, by the same writer—*Catholic Periodicals in the United States from 1809 to 1892*. Cf. also *A Partial List of the Catholic Press in the United States*, in the *Catholic Historical Review*, vol. IV (July, 1918), pp. 217-221. The most scientific treatment of the history of Catholic periodical literature is *Pioneer Efforts of Catholic Journalism in the United States* (pp. 352), by Rev. Dr. Paul Foik, C.S.C.—Ms. in Library of the Catholic University of America, Washington, D.C. Cf. Meehan, *The First Catholic Newspaper in New York*, in the *Historical Records and Studies*, January, 1903, vol. III, pp. 115-130, Dr. Foik has given a summary of the question in his article *The Beginnings of Irish Catholic Journalism in America*, in the *Catholic Historical Review*, vol. V, (January, 1920), pp. 377-381.

[2] Madden, *The History of Irish Periodical Literature from the end of the seventeenth to the middle of the nineteenth century, its origin, progress, and results, with notices of remarkable persons connected with the Press in Ireland during the past two centuries.* 2 vols. London, 1867.

[3] MacNeven, *Pieces of Irish History.* New York, 1807; Madden, *Lives and Times of the United Irishmen.* London, 1843.

[4] Cited by Foik, *Pioneer Efforts etc.*, p. 16.

The bond between these intellectual leaders of the movement here and the leaders in Ireland was an intimate one and bore fruit in the formation of societies in the United States pledged to win liberty for the homeland. With the example of pro-Britons like President John Adams and Rufus King before them, the Irishmen in the United States felt obliged to establish journals which could answer the misrepresentations of Irish affairs in the Federalist press. Dr. MacNeven wrote shortly after his arrival in New York (1804-05) that "the same violence and invective, the same violation of truth, the same distortion of the past, that marked the conduct of the British faction towards the United Irishmen in Europe, have been revived here by the retainers and hirelings of the same enemy."[5]

The first of these Irish journals was begun in New York on December 15, 1810, by Edward Gillespy, and was called the *Shamrock or Hibernian Chronicle.* Up to the outbreak of the war of 1812, the *Shamrock* kept its patrons in touch with all the important phases of the emancipation movement in the British Isles. Occasionally, local and national Catholic affairs were reported in its pages; and the files of the journals are very valuable for the study of Irish immigration for the decade preceding 1820, when official statistics are wanting. With the outbreak of the War, the *Shamrock,* then the most widely circulated weekly in New York, devoted most of its columns to the work of enlistment and to reports on the progress of the American army and navy. Owing to various troubles the paper was suspended on May 15, 1813. It resumed publication on June 18, 1814, with the single title of the *Shamrock,* under the editorship of Thomas O'Conor, the father of the celebrated jurist, Charles O'Conor. Twice within the next two years, the paper was forced to suspend publication, but loyal Irishmen came to its aid, and in 1816 the *Shamrock* played a decisive rôle in defeating Rufus King for the Governorship of New York. It was Irish-America's revenge for King's bitterness and injustice towards the United Irishmen in 1789-1800, when he was American Minister at the Court of St. James. The *Shamrock* apparently was suspended again in 1817-1819, when it either was

[5] *Records* (ACHS), vol. XXIII, p. 70.

revived as a monthly magazine or yielded to a new publication called the *Globe* which was begun in 1819. The *Globe* lasted but one year, and on June 10, 1822, the *Shamrock* began again as a bi-weekly, with Thomas O'Conor as editor. How long the journal lasted after 1822 is uncertain, but the paper can hardly be counted as much more than an "exponent of Irish grievances and English usurpations."[6]

The *Michigan Essay and Impartial Observer* has been called "the earliest effort in Catholic pioneer journalism."[7] Little is known of this journal except that it was Catholic, and that it began on August 31, 1809. The editor promised an edition every Thursday. How many numbers appeared is not known. Dr. Foik knows of five copies, and it is probable that the paper did not last more than a few months. It was begun under the direction of Father Gabriel Richard.[8] Dr. Foik admits that "there is nothing in the first issue to indicate that the *Essay* was to be the mouth-piece of the Catholics of Michigan." Occasionally the paper is called the *Essai du Michigan,* probably because it was partly printed in French.

The object of the *United States Catholic Miscellany* was "to supply an apparent want in the United States of North America", as we read in the original prospectus. Bishop England based his decision to found a Catholic journal on the fact that "almost every division of Christians here has its peculiar publication, for the exposition of its doctrine, the communication of facts, and, if necessary, the vindication of its tenets. The Roman Catholics of these states form a considerable portion of the citizens; it is natural they should be desirous of having a similar publication for like purposes."[9] To supply this want he had founded the *Miscellany,* and as a keynote of the paper's policies, he placed at the head of each issue the first amendment to the Constitution: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.*

That the establishment of a weekly had been in his thoughts for some time is evident from his correspondence during the first year

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[6]Madden, *op. cit.,* vol. II, p. 173.
[7]*Cath. Hist. Review,* vol. I, p. 264.
[8]*Miscellany,* vol. I, No. 4.
[9]*Works* (Reynolds), vol. V, p. 134.

of his episcopate in Charleston. One of the earliest indications is contained in a letter to the Hon. William Gaston, dated Charleston, February 18, 1822:

> Amongst the various wants of the Catholics of these States, I do not know a greater temporal one than the want of some common organ of communication—to remedy which I have determined to make an effort by establishing in this city a weekly paper, the principal scope of which will be the fair and simple statement of Catholic doctrine from authentic documents, plain and correct views of the grounds and consequences of those doctrines, inoffensively exhibited, refutation of calumnies, examination and illustration of misrepresented facts of history, hagiography of eminent ecclesiastics and others connected with the Church, reviews of works for and against Catholicity, events connected with religion in all parts of the world, etc.

The price was to be three-and-a-half dollars annually, in advance; the size of the paper to be a large quarto of eight pages; three columns to the page; and the paper was to be good. He hoped to secure many non-Catholic subscribers, and he calculated that the circulation would be very extensive. When the *Miscellany* appeared on June 5, 1822, the prospectus included all the above desiderata, which were given as follows:

> The principle of this publication will be candour, moderation, fidelity, charity, and diligence. Not that its conductors presume to attain the perfection of all or any of those qualities; but they will constantly keep them in view.
>
> The topics which it will embrace are:
>
> I. The simple explanation and temperate maintenance of the doctrines of the Roman Catholic Church; in exhibiting which its conductors are led to hope that many sensible persons will be astonished at finding they have imputed to Catholics doctrines which the Catholic Church has formally condemned, and imagined they were contradicting Catholics, when they held Catholic doctrine themselves.
>
> II. The examination of history for the purpose of investigating the truth of many assertions which have been, perhaps, too lightly hazarded, and which have obtained too ready and general credence; and which have excited unfounded prejudice in the minds of many well-disposed individuals.
>
> III. The correct statement of occurrences regarding the Cath-

olic religion; for the purpose of better discharging which duty, communications and periodical publications from Rome, Paris, London, Dublin, Canada, South America, the various parts of the United States, and other portions of the world will be obtained, and are solicited.

IV. Memoirs and anecdotes of the several eminent persons who have distinguished themselves in the Church, or against it, in ancient or modern times.

V. A summary of political events and domestic occurrences.

VI. Occasional reviews of religious publication.

As has been stated already, Bishop England began his career in the field of journalism, the year after his ordination, when he started at Cork a monthly magazine, called the *Religious Repository*. The object of this periodical was "to diffuse a spirit of piety among the people and to withdraw them from the perusal of books of a dangerous and immoral tendency." Unfortunately, no copy of the *Repository* could be found in any of the large libraries of Ireland, and a definite search instituted by the present Bishop of Cork, the Most Reverend Daniel J. Cohalan, D.D., for the writer, did not bring any stray copies to light. If the *Repository* was in the Cork Library, it was destroyed when that institution was burnt some few years ago.

In all the biographical notices of Dr. England, stress is laid upon the experience he gained as editor of the *Cork Mercantile Chronicle* between 1812 and 1817.[10] He was not, however, the editor of this important journal, but its chief trustee. In the reply to one of Hogan's charges in 1822 that when he was in Cork he edited "a party paper . . . to which he seemed to be then exclusively devoted", Bishop England explains his connection with the *Chronicle*. The *Chronicle* was one of the best conducted and most influential papers of the day in Ireland. It was a continuation of the *Hibernian Chronicle*, begun by William Flynn in 1789, and published by James Haly until 1801. A respectable friend of his, as Bishop England notes, once a most opulent bookseller in the City of Cork, and a most respectable Roman Catholic, was half proprietor of the *Cork Mercantile Chronicle*. This friend became embarrassed financially and was on the point of selling out his half-interest when a number of Catholics in the city, including Bishop

[10]Cf. Foik, *Pioneer Efforts etc.*

Moylan and his coadjutor, Bishop Murphy, together with some of the prominent clergy, started a subscription and bought the paper for the benefit of the family of John England's friend. "They had two objects in view: one, to save the property, the other, to uphold the principles of the paper, and they wished to find a person to whom they could confide both." After considerable inquiry, they requested Father England to undertake, not the editing, which was then conducted by a very eminent lawyer, but the trust. "I had two objections", writes Bishop England, "one, I knew that as the paper was conducted upon the avowed principle of supporting civil and religious liberty, and as the trustee was liable for every line it contained—for, by the Irish law he is the person punishable, whoever may be the writer—I would be exposed to the continued hostility of the attorney-general who avowed that he was anxious to extinguish that print on account of its republican spirit and vindication of Catholic rights; the second was, that I could not undertake it without the bishop's consent." Bishop Moylan gladly gave his consent and John England took over the trusteeship for the two sons of his friend. But he was not the editor. He wrote frequently, it is true, for its pages, both before and after accepting the trust, and occasionally, in the editor's absence, saw the paper through the press. Though the National Library in Dublin was closed to readers in the summer of 1923, the Free State Government granted the writer permission to consult the files of the *Cork Mercantile Chronicle* for the years of John England's trusteeship. Some of the volumes are missing, but in those that are extant his name does not appear, and only occasionally does the reader find an article written in his terse and vigorous style.

Bishop England was a born journalist. His experience in the office of the *Chronicle* stood him in good stead in Charleston, when he found his cherished object of a Catholic weekly not only attacked and drawn into tedious controversy with the anti-Catholic journals of the United States, but in more than one instance purposely ignored by his episcopal brethren in the Province of Baltimore. Had he been less occupied during his years as a priest of the Cork Diocese, he would have given himself wholly to the work of strengthening the *Chronicle* as an organ devoted to unmasking British in-

competency in Irish government and to the duty of driving the danger of Vetoism out of the land. But, as he says, rather wistfully, during the period of his trusteeship he successively held so many situations, all the duties of which he regularly discharged, that he was badly hampered in his work as director of the paper.[11] An article entitled *Commiseration of a Landlord* which appeared on April 1, 1816, in the *Chronicle*, brought about a libel suit against Father England who was legally considered the proprietor of the journal, and he was given the alternative of standing trial or revealing the name of the writer. Father England stood trial and was heavily fined. The money (five hundred pounds) was quickly raised by Daniel O'Connell and by others in the city. On another occasion, the Liberator wrote a scathing article on British justice which was printed in the *Chronicle*, and Father England would have been involved, had it not been that his trusteeship expired the very morning the article appeared.

After his arrival in Charleston, as bishop of that See, Dr. England soon reached a conclusion regarding the religious opinions of the non-Catholics of that city and of the Southland. There was then, as no doubt there always will be, a class of Protestant society which measured the surety of its own faith by the bitterness of its attacks upon the Catholic Church. This group had its press, and it was through that biased press that John England would be obliged literally to hew a pathway for the truth about Catholic doctrine. But this class was a small one, especially in the Carolinas. Dr. England believed that the laughable absurdities and misconceptions about the Church which filled the secular press of the South were due to ignorance rather than to prejudice, and that corrections of these mistakes would be welcomed by the editors of these papers. In this he was to be somewhat disappointed. Charleston had two daily papers at the time, the *Courier* and the *Mercury*, and both were fairly well patronized by all classes. Once, when an article particularly offensive to Catholics appeared in one of these journals, Dr. England sent a reply to the writer, but the editor refused to print his answer.[11] It is said that he went at once to the office of the paper in question and asked for the insertion of his answer at

[11] *Diurnal*, p. 48.

advertising rates. This was a boldness which won admiration even from those who disliked the Catholic Church. But such a method of lessening the stream of error was too costly to be practical, and he saw that his only hope of meeting the antagonists of Catholicism in fair and open fight was to establish his own newspaper.

Dr. Foik has written:

> Bishop England was gifted with an admirable tact for marshalling his arguments always to the best advantage. None of his Catholic contemporaries had his profound grasp of doctrine, nor had they the lofty tone with which he embellished his writings. Possessed as he was of a very high order of talent and a quick, clear perception of his opponent's weak points, he presented his facts in such lucid and logical order as to disarm all resistance and convince even the most sceptical. He was called by the exigencies of his times to make a bold defense of the Catholic Faith, but he possessed the happy faculty of presenting his language clothed in a vigorous, persuasive, yet inoffensive style which so perplexed his bitterest antagonists that they in turn were compelled to soften the tone of their own writings, and at the end of their controversy with him they learned to admire his cool candor, his matchless courage, and his firmness and gentleness of character.

His successor, Bishop Reynolds, who published the collection of Dr. England's writings in 1849, states in the Preface to these volumes which are mainly made up of excerpts from the *Miscellany* (1822-42), his belief "that everything which Dr. England published, however hastily, or in the serene judgment of his own mind—imperfectly written, is worthy of being preserved and read by posterity."[12]

The first number of the *Miscellany* appeared on June 5, 1822. Its appearance was a signal for joy among the Catholics of the United States; a sign of contradiction for their enemies.[13] The present generation has had little if any experience, similar to that of the faithful a century ago, of the malignity of Non-Conformist hatred for the Church. With but few exceptions in those days, the ranks of the Protestant ministry were filled with men whose best asset was their power of denunciation of all things Catholic; and from the obscure preacher to men of talent such as Dr. Lyman

[12] *Works* (Reynolds), vol. I, p. vi.
[13] *Miscellany*, vol. I, p. 236.

Beecher, no charge was too vile to be uttered against Catholicism. To establish a purely Catholic journal, one devoted to teaching the Catholic doctrine and to the portrayal of Catholic history in its true light, was a challenge to Protestant editors from Massachusetts to Georgia. If the appearance of the *Miscellany* did nothing else, it revealed as if by drawing aside a curtain the number and the influence of a score of anti-Catholic journals, now happily forgotten, but then in the heyday of their power. The secular press of the time was by no means the suave and impersonal kind of journalism we possess today. Anti-Catholic sermons were welcomed in its columns, and thus on all sides Catholics found themselves at the mercy of this hostile group.

The *Miscellany* began its work of Catholic defence in the fourth issue (June 26, 1822), when Bishop England over the pen-name of *Curiosity* replied to a Rev. Mr. Little whose sermon on the *Abominations of Popery* was published in the Washington *Gazette;* and from that time until Bishop England's death, hardly an issue appeared without its page or two of controversial writings. There are many small volumes hidden away in its pages all through those twenty years (1822-42)—on Papal Infallibility; on Catholic Allegiance to the Holy See; on Religious and Civil Liberty; on Catholic Doctrine; the Eucharist; the Temporal Power of the Popes; Penance and Austerities; Liberalism; the Primacy of St. Peter; Ecclesiastical Immunities and Privileges, and the Waldensians. One series of articles on the Roman Chancery, published in 1839-40, was afterwards printed in book form and had a wide vogue at the time. There are also a number of essays, entitled *Contributions to the Ecclesiastical History of America,* and a number of historical fragments. Among the miscellaneous writings of Dr. England are the *Explanation of the Mass; Explanation of the Ceremonies of Holy Week and Easter Sunday;* the *Miraculous Cure of Mrs. Mattingly;* the *Miracles of Prince Hohenlohe;* and some letters to Daniel O'Connell on *Certain Political Measures.* A distinctly historical contribution to American Catholic history is Dr. England's *Letters to the Candid and Unprejudiced American People,* written around the theme of civil liberty and the Catholic Faith. The *Miscellany* contains also his various discourses, pastoral letters, addresses, and orations, rare collections of letters

such as those on the Hogan Schism in Philadelphia, the Harold correspondence, and a host of minor notices which are very valuable to the Catholic historian of the United States.

The truth is that practically nothing escaped the pen of Bishop England, as in fact no diatribe against the Faith escaped his eyes. The *Gospel Advocate* of Boston; the *Mount Zion Missionary* of Georgia; the *North American Review* of Boston; the *Southern Religious Telegraph* which generally speaks of the Catholic Church as the *beast* and of Catholics as *superstitious slaves;* the Baltimore *Pilot;* and many other newspapers and magazines that purposely vilified and misrepresented Catholic doctrines, were rebuked in the columns of the *Miscellany* as violators in spirit as well as in letter of the religious tolerance established by the American Constitution. All these newspapers were imbued with the same No Popery spirit which had been prevalent in colonial times, and all spoke the same language and indulged in the same vituperation in their effort to prove that Catholics must necessarily be enemies to American institutions.

During the twenty years of Dr. England's editorship of the *Miscellany,* other Catholic newspapers were established in different sections of the country. Among these were: the *Truth Teller* (New York, 1825); the *Catholic Press* (Hartford, 1829); the *Jesuit* (Boston, 1829); the *Catholic Telegraph* (Cincinnati, 1831); the *Weekly Register and Catholic Diary* (New York, 1832); the *Shepherd of the Valley* (St. Louis, 1832); the *Catholic Herald* (Philadelphia, 1833); the *Catholic Advocate* (Bardstown, 1835); the *Boston Pilot* (Boston, 1836); *Der Wahrheitsfreund* (Cincinnati, 1837); the *Catholic Register* (New York, 1839); the *Freeman's Journal* (New York, 1840); and *Le Propagateur Catholique* (New Orleans, 1842).

The *Miscellany* occupies a prominent place in all John England's correspondence. He knew the financial risk involved in establishing a Catholic weekly newspaper, but he trusted in national loyalty to Catholic interests to bring a sufficient number of subscribers to meet the expenses. He had warm personal friends in many of the large Catholic centers of the United States, but those who should have been the foremost in sustaining his work withheld their cooperation. The reasons are not hard to find. His

unsuccessful attempt in October, 1821, to bring peace among the factions in Philadelphia created a sentiment against him on the part of Archbishop Maréchal and Bishop Conwell, and through them of the other bishops of the United States. John England had made up his mind too quickly for their taste regarding the causes underlying the unrest in the American Church; and it became evident to the Metropolitan of Baltimore that he intended to insist upon the necessity of a Council for the purpose of legislating disciplinary statutes of a broad national character. Perhaps in the eyes of these older prelates, the young and active Bishop of Charleston was attempting too much; even within the borders of the diocese over which he had jurisdiction.

Georgetown College, the College and Seminary of St. Mary in Baltimore, and Mount St. Mary's College in Emmitsburg, had not yet reached the days of their prosperity, when Dr. England founded his Philosophical and Classical Seminary of Charleston. It was not that this far-off institution would materially affect the fortunes of the northern colleges, but that the precedent of a diocesan seminary was not well received. There were rumors, also, that he was creating an entirely new method of handling the trustee problem, and from all that was said, it was feared that the new system imitated too closely that of the Episcopalian church discipline. The project of publishing an American edition of the Roman Missal was another occasion of annoyance, and it was said, as has been seen in a previous chapter, that he was contemplating the publication of the New Testament, if not of the whole Bible.

The *United States Catholic Miscellany* met with a frigid reception on the part of his episcopal brethren, and the very thing they feared came to pass. He began in the sixth number (July 10, 1822) the publication of news on the Philadelphia schism. As we look back now from our vantage-point, we can realize the danger there was in dealing with the schism in a professedly Catholic newspaper, and it may help us to reach the minds of the other prelates when we remember that Dr. England undoubtedly meant to create a *national* newspaper, but which could not be considered official outside the Diocese of Charleston without the express consent of the American hierarchy. The Philadelphia

section of the *Miscellany* grew in content as the months passed. Hogan's friends had written shortly after it was founded, threatening Dr. England with reprisals, if anything were said against the schismatic priest or his adherents. The editor's first remarks on the topic brought a quick rejoinder from Hogan in the shape of a pamphlet filled with accusations against Dr. England, and these caused the young bishop to publish week after week a remarkable series of open letters to Bishop Conwell which ran to the end of the year. In September, 1822, Dr. England suspected that his publicity as to the Hogan case was hindering the sale of the paper.

On September 21, 1822, he wrote to Judge Gaston:

> I shall lose considerably this year . . . by the *Miscellany*. . . . The *Miscellany* wants about 300 subscribers to meet its expenses. Could you do anything more in North Carolina? I should be sorry to discontinue it, but I should be ruined by such a deficit. The explanations of our doctrines which it contains have already done much good amongst Catholics and others here, and as its tone of European asperity will become mellowed down to the mild voice of Western reasoning, I hope it may give more satisfaction.[14]

In October, 1822, it was evident that unless the subscriptions became more numerous, the *Miscellany* would cease. There was no other strictly Catholic paper in the country at the time, and the *Miscellany* had proved itself so worthy a champion of the Catholic cause that the subscription list should have been a long one. Dr. England had agents for the paper in thirty-one cities of the United States, as far north as New York, as far south as Mobile, Alabama, and as far west as Louisville and Nashville. In the issue for Christmas Day, the editorial notice contains the statement that no hope can be held out for the New Year of 1823, and that he was therefore under the necessity of suspending the *Miscellany*, "until we shall see a prospect of resuming it without loss."[15] Up to that time only six hundred subscribers had been gained, and but half of them had paid their subscription. Not until January 7, 1824, after a year's suspension, did the *Miscellany* resume publication. The size of the paper was changed from quarto to octavo, and each issue contained sixteen pages, instead of eight, as for-

[14] *Records* (ACHS), vol. XVIII, pp. 383-384.
[15] *Miscellany*, vol. II, p. 63.

merly. Dr. England explained in the first issue the reason for the suspension during 1823 as being non-support.

> Your mortification [he wrote to Judge Gaston, on January 9, 1823], at the suspension of the *Miscellany* is not greater than mine, & no one has manifested more zeal for its continuance & revival than you have,—but when I inform you that it has already cost me $500 more than its receipts, you will I am confident approve of the step which I have taken. Should the 100 shares be taken, not only will it enable me to resume what I need scarcely inform you is a very arduous & laborious task, & I should hope a very useful one, but it will lay the foundation of an establishment from which all sorts of religious publications may be sent forth with ease, regularity, cheapness, & profit, which instead of being converted to individual aggrandisement would together with the profits of the Seminary here form a fund for the education of a native body of clergy for this large and neglected diocess. But the last object can not now be exposed generally or I would have not only our great enemy but all his namesakes in the printers' offices at open war with me. You have done much. Georgia will do something,—& though we may not be able to resume in March, I trust you will behold the *Miscellany* like a Phoenix soon stretch out stronger & better feathered pinions than it has used hitherto.[16]

There is no change in the nature of the *Miscellany* during the year 1824. The Philadelphia troubles are not neglected. In the issue of June 28, 1824, we read: "We are at present about to lay before our readers a series of Essays upon the subject, and shall make copious extracts from the Philadelphia files, with which our shelves are loaded."[17]

It would seem that before resuming the publication of the Philadelphia documents, Dr. England endeavored to obtain the advice of the Archbishop and of some of the bishops regarding the proper course to pursue. But they suspected his purpose in endeavoring to obtain copies of letters. "You appear to have mistaken my object," he wrote to Maréchal on April 11, 1824, "in looking for the documents. It *may perhaps*, at a future time be necessary to publish and to advert to them or to check a false publication, for all which purposes the originals might be useful. But I have

[16] *Records* (ACHS), vol. XVIII, p. 385.
[17] *Miscellany*, vol. III, p. 400.

neither the leisure nor the inclination to enter into a combat just now. . . . I was anxious to collect as far as I could the wishes of the Bishops and yours for the guide of the Editors of the *Miscellany*. . . . But in this I have been disappointed."[18] It was not until December 8, 1824, that he returned to the subject of the schism in Philadelphia, and in the issue of December 22, 1824, Dr. England spoke a word in favor of kindlier treatment for Father Thaddeus O'Meally, who had taken Hogan's place in St. Mary's Church, Philadelphia—"Mr. O'Meally has done wrong, but he has nobly made progress towards doing right."[19]

In beginning the year 1825, Bishop England felt obliged to issue a statement on the policy of the *Miscellany*. A careful perusal of the editorial reveals the fact that it is an answer to objections against the paper with which he had become familiar by correspondence and in other ways. A claim for the doctrine of free discussion as "the theoretical principle of America," opens the editorial. He had resolved in the beginning in a perfect spirit of charity not to interfere with the opinions of others. But he was not "so fortunate as to escape the assaults of those whom we never attacked. We were charged with holding the most abominable doctrines; doctrines which some of our assailants acknowledged they knew our public tribunals had condemned, and disavowed and rejected." He felt it his duty to repel, as they deserved, these unprovoked, rude, and angry aggressions upon Catholic American liberties. For that reason Dr. England says that he could not promise to discontinue the polemical aspect of the *Miscellany*. "But we shall gladly embrace the first opportunity of filling our columns with more pleasing matter. Our object is not controversy, but we prefer being controversial to being calumniated."

The first attack was not to come from the non-Catholic side. Bishop Conwell sharply rebuked him for encouraging "the excommunicated and usurping Priest O'Meally," who had said publicly that he lamented "that some favourable wind had not blown John England more northwardly." Bishop England then issued a public

[18]BCA, 16—J12.
[19]*Miscellany*, vol. IV, p. 20.

reply: *To the Roman Catholics of the Diocess of Philadelphia* (January 6, 1825), one of the noblest of his letters. But John England had not yet fully learned the caliber of the prelate who accused him of abetting dissension. "I might have erred," he says in a previously cited reply to Conwell, "but I shall not be obstinate. I am not the superior of my brother in Philadelphia, neither is he my judge. To the Synod of the United States, consisting of the Archbishop of Baltimore and his Suffragans, or to the Holy See, or to both, I am ready and willing to account. To any individual Bishop, I shall cheerfully give any further explanation for which he may seek. But the Bishop of Philadelphia must be aware that I owe no more to him than what he has received." His heart was full, he says, for many accusations had been heaped upon him by those who should have supported his endeavor to make peace in the American Church, but never before had he, a Bishop, been charged, as the Bishop of Philadelphia had charged him, "with endeavouring to rend that unity, which, if I know myself, I would sacrifice my life to preserve and to defend."[20]

It has been shown how Bishop England was called to task regarding the definition of Faith which he had given in the *Miscellany* (August 11, 1824) :—"Faith is the sincere disposition to believe all that God has taught."[21] Bishop David, coadjutor to Bishop Flaget of Bardstown, wrote to Dr. England on February 11, 1825, stating that the definition was "theologically inaccurate," and England replied in an open letter (March 31, 1825) acknowledging the correction. There was more than a theological passage-at-arms between the two prelates beneath these letters; for, as has already been stated, the first definition of Faith was that given in the *Constitution* of the Diocese of Charleston, and Dr. England knew that the Kentucky prelates were not favorably disposed towards it.

The principal editors of the *Miscellany* during the year 1825 were Father John McEncroe, Rev. John Bermingham, Rev. Timothy McCarthy, and some laymen of the city.[22] Bishop England was absent a good part of the time making the Visitations of his Diocese,

[20] *Ibid.*, vol. V. 394.
[21] *Ibid.*, vol., IV, pp. 213-215.
[22] Foik, *ut supra*, p. 132.

and the *Miscellany* suffered in consequence. At the end of the year, Father McEncroe announced (December 20, 1825) that the paper would be suspended, unless the subscribers paid their debts. Other reasons are evident for the slackness. The *Truth Teller*, established in New York City on April 2, 1825, quickly became the chief organ of the Catholics of that city, and the patronage there of the *Miscellany* ceased. Moreover, the renewal of Dr. England's unavoidable interference in the Philadelphia troubles brought the *Miscellany* into disrepute, and he lost many of his subscribers in that city. The *Globe and Emerald* of New York openly accused the clergymen in the city of having employed "the meanest subterfuges to impede the sale of the *Miscellany*." Again the *Miscellany* suspended publication, and it was not until July 22, 1826, that the first issue of the sixth volume appears. In March, 1826, when it was decided to resume publication, Bishop England wrote to Archbishop Maréchal, asking for documents on the Philadelphia situation. Maréchal's answer was as follows:

Baltimore, Md., March 14, 1826.

Right Reverend and Dear Sir,

I would send you immediately a copy of Mr. O'Mealy's letter, were it not for a circumstance with which you are unacquainted.

About three months ago, Dr. Conwell had the goodness to pay me a visit. The scandalous schism of Philadelphia, as you may well suppose, was the principal subject of our conversation. We observed together that, how excellent soever were any of the writings published by several of our Clergymen, yet instead of silencing the authors of the Schism, they had given occasion to the most abominable rumours which were disseminated all over the U. S. with incredible activity. Pondering the extent and enormity of the scandal these infamous productions excited, we agreed together not to write any more upon the subject. It appeared to us, upon the whole, useless to the faithful Catholics. Still more useless to their blind and obstinate foes, and unquestionably hurtful to religion and society at large. To argue with mad men, can be of no service either to them or to the auditors. It is more consonant with the rules of Providence and charity to let the wild passions of these unfortunate men cool down, and wait till they have recovered their senses. Then it may be possible and profitable

to address to them the language of philosophy and religion, with some hope of success. We have all of us since kept a profound silence and the result proves the wisdom of the measure agreed upon. So, Right Reverend and Dear Sir, you see that I am not at liberty to send you the copy of the letters you wish for, as your intention is both to publish and confute them. Dr. Conwell alone, who is particularly concerned in the business, can, if he thinks it advantageous to the good of his Diocese, assent to your demand. Never has Mr. O'Mealy received from me a word of answer to his letters; and if you permit me to give you my opinion on this subject, I would regret to see your *Miscellany* soiled with the dirty trash. It ought never to come out of its present obscurity.

In my diocese there are some clergymen who could certainly send you now and then many interesting articles; particularly the Reverend Mr. Baxter, the Reverend Ben. Fenwick and the Reverend Mr. Bruté. Knowing the prodigious erudition of the last of these gentlemen, I exhorted him to do it. But his modesty is an invincible obstacle. Mr. Benedict Fenwick has no excuse, for he has an abundance of leisure. The next time I see him, or write to him, I will excite him to contribute his full contingent to your *Miscellany*. Mr. Baxter is now very unwell; but might prove a very useful associate to have, and I have no doubt a direct request from you would be cheerfully attended to.

You wish to know my sentiment on the selection of the articles of your *Miscellany*. Whatever may be my sincere respect for you, I beg, Rt. Rev. and dear Sir, to be excused. Such unfortunately have been the austere rules of criticism printed on my mind by my institutions in literature, both sacred and profane, that they actually are a torment to myself on a thousand occasions. I have taken up my pen a thousand times and laid it down, terrified as it were by the tyranny they exerted over me. My judgment would appear to you (and no doubt with great reason) rather the stern influence and unpalatable sentiments of a Zoylus than the judicious dictates of sound criticism. However, I am glad to see that the number 9 has proved very, very interesting to everybody. I hear with pleasure that religion is gaining ground every day in your Diocess and you will succeed in protecting her, from the turbulent attacks and the dangers to which she is exposed in other diocesses. God be praised for it!

I recommend myself to your sacrifices and beg you to

believe that I am with great respect and attachment, Rt. Rev. and Dear Sir,

Your obedient and humble servant,

✠ Amb., A. B.[23]

From July, 1826, until Civil War days, the *Miscellany* appeared regularly, and maintained its place as the first Catholic weekly of the land.

The history of the *Miscellany* in these early years cannot be told without a passing reference to one who was in the beginning the acknowledged literary guide of the paper, Joanna Monica England, the Bishop's youngest sister who came to Charleston with him in 1820, and who died there of yellow fever in October, 1827.

> No greater loss befell Bishop England than that of his sister, the angel who had assisted him in his labours and cheered him when he was weighed down with trials and discouragements. She had a wonderful influence on his life. Nowhere was this sway more sublimely exercised than in the conduct of the *Miscellany*. The Bishop's earnest temper sometimes unconsciously infused a sternness into his logic. Her gentleness smoothed away the harshness of his chief controversial articles. Frequently he rebelled at her censorship, but she was never perturbed on such occasions. She would use a few words of persuasion and invariably he yielded to her gentle jurisdiction. Her presence always shed over him a magic charm which was fatal to all opposition on his part. Her elegant literary taste governed in a large measure the literary department of the *Miscellany* and several of her contributions graced the pages of its earlier volumes.[24]

It has been noticed that after her death the *Miscellany* lacked that gentler tone on American church affairs which prevailed in its pages until 1827. The first number of 1827 made an appeal to the hierarchy, the clergy and laity to send to its office communications of all kinds that would illustrate the past and present history of the Catholic Church in the United States. The remaining volumes of the *Miscellany* take on a more American aspect. The page assumes a shape more like our modern newspaper and the news-content is less controversial. Reprints from various foreign journals abound.

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[23]BCA, Case 21-N3.
[24]Foik, *ut supra*, p. 134.

From 1827 to 1829, the progress of Catholic Emancipation in the British Isles is closely followed, and these volumes contain also some of Dr. England's best controversial tracts. "Intelligences" from every quarter of the globe abound, and "Occurrences" in the various Catholic centers of the United States are chronicled, to the great pleasure of modern research workers, since they are almost without exception given accurately. The annual Conventions of the Church in South Carolina and Georgia are described and the addresses given on these occasions are printed, thus furnishing to the historian of the Church in the Southland a chronological account of the progress of the Faith in these parts. In each of these separate State Conventions and in the general Diocesan Conventions after 1839, Dr. England mentions the *Miscellany*, giving an account of its finances and its progress during the year. He was thus able to keep awakened year by year an interest in the journal, and although the Diocese of Charleston continued to remain the poorest in the United States, it was able through Bishop England's efforts to sustain the *Miscellany*.

After Dr. England's death in 1842, Father Baker was editor for some years. In 1848-49 Bishop Reynolds secured with much difficulty the only complete set of the *Miscellany* in Charleston, and with the assistance of Rev. Dr. Corcoran, of Overbrook fame, and Rev. A. F. Hewit, later one of the founders of the Paulist Fathers, published in five volumes the *Works of Bishop England* from its pages.

The *Miscellany* continued until 1861, when the fire in December of that year consumed the cathedral, the bishop's house, the diocesan library and the office of the paper. It was never resumed.

In summing up Bishop England's achievements in the field of journalism, it must be remembered that during the score of years he edited the *Miscellany* he was continually harassed by the straitened circumstances of his own diocese. At no period during his episcopate did he have a sufficient number of priests for the growing congregation of the Southland. His people were poor, many of them could not read, and were scattered to every point of the compass in the two Carolinas and Georgia. Moreover, postal communications were so bad that the office of the *Miscellany* was never without its *dossier* of complaints about the delay in receiving

copies. The *Miscellany*, like most of the journals of the day, was well written, and was edited in a much loftier literary tone than our present-day newspapers. Had John England done nothing else, he would have contributed more than any Catholic of his day to the general education of the American public in the fundamental national principle of religious equality. That theme runs through every issue of the *Miscellany* like a thread binding its issues into one great volume of defence against encroachment upon the religious basis of the American Constitution. He prepared the way for the able Catholic journalists of the next generation, Brownson, McGee, McMaster, Archbishop Hughes, and John Boyle O'Reilly.

Dr. Foik, who has mastered the intricate subject of American Catholic journalism in the nineteenth century, writes:

> Notwithstanding the fact that the Fathers of the Constitution had clearly enunciated the principles that should govern the people of the United States in questions of religion, it is an historic fact that the ink of the document containing these basic articles was hardly dry before antipathy for Roman Catholics began to manifest itself. The theme which we find so consistently advocated by all opponents of Catholicity during this first period of Catholic journalism, and which applies to all movements that have ever been waged against the Church in America, may be reduced to this proposition:—that it was the duty of all Americans to preserve the Republic, its government, and its constitutional liberties against all enemies. Ignorance of the Catholic Church and her tenets caused many to regard her as inimical to republican institutions, and every concerted and peaceful effort on the part of Catholics to safeguard their sacred rights and privileges was hailed as a conspiracy to subvert the government. The surest guarantee that could have been given to the people of the United States was the sincere desire of all Catholics to live at peace with their neighbours of other creeds. This was the appeal made on all occasions by the Catholic press. If the Catholic press had carried on a propaganda against their fellow-citizens of other beliefs such as that directed by the non-Catholic press against the political, civil and religious liberties of Catholics, there would have been some pretext for the zeal with which Protestants harried those who belonged to the other faith. But in no single instance did the Catholic press ever attempt to assail or abridge the constitutional liberties of those who

were directing and swaying the popular prejudices against it. Catholic periodicals based their claims for justice on the United States Constitution and they maintained their ground on all occasions with a quiet but firm dignity. . . .

In spite of such solemn warnings regarding constitutional rights and privileges, efforts were made to circumscribe these liberties for Catholics. This system of antagonism neglected nothing which would add to the discomfort of Catholics. Pulpits resounded with harangues against their faith. Sunday schools inculcated uncompromising war against the Holy See. Publications, in some cases, it must be admitted, vile and obscene, found everywhere a ready market because they slandered the Roman Church. Catholic journalism, then in its infancy, tried bravely to avert the catastrophe which followed these persistent and gross fabrications, but failed. Then followed, as we all know, that wanton destruction of life and property which is almost without parallel in the religious history of this country.

Bishop England found the Catholic body in the United States without any means of defense. He taught both clergy and people in the pages of the *Miscellany* the inestimable privileges of their Catholic Faith and of their American citizenship. He inspired them to protect and defend both the one and the other with a fearless advocacy of the truth and with a courage that never faltered before any danger or opposition. The *Miscellany* would, alone, be a noble monument to his widespread fame as an orator, a divine, a patriot, and a scholar.

CHAPTER XVI

The Diocesan Seminary of Charleston
(1822-1832)

On the morrow of his arrival in Charleston, the most pressing problem presented to Bishop England was the formation of a diocesan clergy. Around this problem were to turn almost all the anxieties of his episcopate. If he needed any spur to his determination to provide sufficient priests for the Carolinas and Georgia, Dr. England had but to look to a neighboring State to witness the slow disintegration of what might have been a compact Catholic diocese. Archbishop Maréchal's attitude towards the Bishop of Richmond was that of one compelled to receive an unwelcome guest. The collapse of the Virginia Church, however, might have been averted had Bishop Kelly succeeded in securing a sufficient number of priests to minister to his scattered flock.[1] Bishop England was fortunate in the fact that the Diocese of Charleston had been erected at Maréchal's request; but he was equally unfortunate with Dr. Kelly in being viewed as an intruder, and, as has been seen, in having incurred so quickly the displeasure of Baltimore's Metropolitan.

That displeasure became at times a patent ill-will which acted as a constantly increasing irritant to the young Irish prelate. On Maréchal's part it slowly deepened into a sullen resolve to exclude the Bishop of Charleston from all Church affairs of a national kind. The archbishop and his advisors sensed the power for leadership possessed by Dr. England, and sensed equally the challenge such leadership might mean to the dominant element among the American prelates of the day. It took a year or more to make Dr. England realize that his advice in the wider interests of the American Church would not be heeded; and that so far as was consistent with Canon Law the field of his activity would be sedulously confined to his own jurisdiction. Even within that field, moreover, his plans and methods were to be carefully scrutinized with no friendly eye by some of his fellow-bishops.

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[1]Guilday, *The Catholic Church in Virginia*, pp. 134-153. New York, 1924.

When he fully realized this, Bishop England lost no time in assuring the Metropolitan that he would attend strictly to the affairs of his own diocese, but that he would also guard his own jurisdiction from any undue interference from Baltimore or elsewhere. At this early epoch of his episcopal career, therefore, the two prelates began to drift apart, and so remained until Maréchal's death (1828). The two men stood out in the hierarchy of the day: the one, in Baltimore, considered as the spokesman of the French-American interests in the Church and behind whom were the members of the Society of St. Sulpice and the French clergy generally, seven of whom occupied episcopal Sees during these years (1820-1828); the other, in Charleston, the foremost intellectual representative of the Irish element in the American Church, the most popular ecclesiastic of his race in the United States, but who, on account of the antagonisms he created, never attained the leadership which his talents deserved.[2]

The Diocese of Charleston profited as a consequence of this situation; unpleasant as it always was to Dr. England. Occasionally, his determination not to show any interest beyond the borders of his diocese broke under the strain of what he believed to be a growing neglect and disorder; and more than once he appealed to Maréchal for concerted action on the part of the American hierarchy. The rebuffs he received in return silenced him more and more until Maréchal's death. During these years (1822-1828) he laid firmly and strongly the foundations of the House of God in the Carolinas and Georgia. The cornerstone of the edifice was the Diocesan Seminary of Charleston.

The lack of priests properly trained to meet the spiritual demands of the American Church must always rank as a chief source of all the disorders which disturbed episcopal jurisdiction from Carroll's day to the First Provincial Council (1790-1829). During these forty years, the absence in the ranks of the clergy of priests

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[2]During Dr. England's episcopate (1820-1842), the number of bishops in the American hierarchy was thirty-four. Of this number, one was an Italian; one, a Spaniard; one, a German; one, an Englishman; two were Belgians; six were American born; nine were born in Ireland; and thirteen were French. (Cf. Corrigan, *Chronological List Showing the dates of Appointment of the Bishops of the United States*, in the *Records* (American Catholic Historical Society), vol. XXXV, pp. 295-324.

who had been prepared to cope with the religious, social and material aspects of American life, had the unavoidable effect of retarding everywhere in the New Republic the spiritual growth of the Catholic laity. This was especially true of the younger generation of Catholics who belonged heart and mind to their age. That age was one of decided opposition towards all things foreign; particularly to all things French.

For thirty years before John England's coming, the training of the clergy for the American Church had been in the hands of the Society of St. Sulpice. The Sulpicians have never made known in all its fullness the story of their heroic struggle for the American priesthood during the first period of their life in the United States. Herbermann's *Sulpicians in the United States* and the *Memorial Volume of St. Mary's Seminary of St. Sulpice* give us but a small part of the difficulties which were hourly met by these pioneer educators of the American clergy. The list of students who were ordained during these early years (1791-1820) contains only forty-four names. The founding of St. Mary's College, Baltimore, in 1803, and of Mount St. Mary's College, Emmitsburg, in 1808, opened a pathway through the classics and philosophy to the study of theology; but vocations among native Americans were few, although the register of St. Mary's College contains over seven hundred names for this same period. Many of these were non-Americans and non-Catholics, and the number of students who became priests remained very small. The college and seminary were given the rank of a university by the legislature of Maryland in 1805; and a few months after Dr. England opened his own seminary in Charleston (January, 1822), Pius VII raised the Sulpician establishment to the rank of a Pontifical Catholic University. Logically, therefore, the Sulpicians who had made untold sacrifices for the training of the American clergy, deserved the support of all the dioceses in the United States, especially of those along the Atlantic coast.

Bishop England never gave his support to the Baltimore seminary by sending his young men there to be trained. He went a step further; he made public on more than one occasion his opposition to that training as unfitted to create a clergy distinctly American. Typical of his correspondence and public statements on sem-

inary education is the following passage from his address before the thirteenth Convention of South Carolina (January 22, 1837):

> Our principal aim at present should naturally be to supply the diocess with a sufficient body of useful clergymen, and to create, as far as in our power, facilities for securing a succession adequate to the wants of this extensive district. During a number of years this has been one of the first objects of my solicitude, and of our joint exertions; nor have our labours been altogether useless. You are aware that the great body of the clergy has been formed amongst us, and the experience of the past must impress you with that conviction, long since established in my mind, that in making provision for the wants of the diocess, we should not only calculate upon the inroads of death, but upon a variety of other casualties as well as upon defections. We have in the Urban College of the Sacred Congregation of the Propaganda at Rome, owing to the generosity of the superiors of that most useful and highly respectable school of Christian piety and literature, two places occupied by native youths of our own diocess; but even with those places, without a seminary amongst ourselves, our situation must be exceedingly precarious. There are many local advantages to be derived from having such an institution attached to the cathedral, amongst which are the dignity added to our ceremonial by the facility for observing our rites, the example of piety, and the aid given for more diffused instruction; in a word, I may say, such an establishment would supply, imperfectly indeed, but yet in some way, in our infant church those benefits which, in the more flourishing portions of Christendom, are bestowed by the several clerical societies that either belong to Cathedrals or that abide in their vicinity.
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> I frequently desired, and sometimes even had indulged the hope, that, by an united effort of our several diocesses, an extensive and respectable provincial college should be created in our Union; in which, under the joint superintendence of our whole hierarchy, the great body of our candidates for the ministry, at far less expense and under more favorable circumstances, would have better opportunities for pursuing a more extended course of studies, and for observing more exact religous discipline than can be at present afforded by any of those seminaries which we are endeavoring to uphold. The principle has always been admitted, but the execution has been prevented, not only by natural feelings of private preference, but still more so by the manifestation of a disposition to place the superintendence of such an institution, should it be created, not in the hierarchy, to which it would seem naturally to belong,

but in the hands of a special religious society, which, however justly estimable for its piety, its discipline, and the learning of several of its members, is not amenable to its tribunal, is not bound to follow its directions even in the system of education, nor in the selection of its professors, nor in the appointment of its officers. This hope has therefore passed away for the present, because several of the American bishops were unwilling, by a formal act, to divest themselves and their successors of one of their most important rights, for the purpose of placing it in the superior of this most highly meritorious society, but over whom they have no control, and with whom they have no official connexion, and who, though of sound faith, and teaching pure morality by instruction and by example, yet, by reason of his place, would be incapable of duly appreciating the character and wants of the American people.

As I look upon this, under the present circumstances of the American church, to be a matter of the first necessity, I have, at our last provincial council, called the attention of my brethren thereto, and latterly I have placed a memorial upon the subject in the hands of the holy father; and thus, I trust, I have performed what was my duty in the case. I allude to it in your presence for the purpose of showing you the obligation under which I conceive we lie of renewing our efforts to uphold our own seminary, imperfect as it is; and, indeed, it is the only mode now left to us for securing a supply and a succession of priests.

We have, during some years, used exertions for this purpose with various results, and though frequently baffled in our expectations, yet we have not been altogether bereft of success; we owe to those efforts that we have a clergy, and we of course owe to them the consequences of that possession. We have experienced many and serious difficulties, but we have overcome several, and we have been taught some useful lessons for the regulation of our future conduct. I need not here repeat to you the observations so often previously made by me to show you, in detail, the great advantages arising from the possession of such an institution amongst us; you must recollect them, and I flatter myself that you fully acquiesce in their justice. If, then, we have experienced some disappointments, we have had also much to console us, and it is our duty to persevere. I would further state my conviction that we have it in our power, by united exertions, to do much more for this important object than we have heretofore performed.[3]

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[3] *Works* (Messmer), vol. VII, pp. 157-158.

Dr. England knew full well that he was following the letter and spirit of the Council of Trent in establishing his own diocesan seminary.

In the history of clerical education, a division can easily be made; the dividing line is the celebrated decree of July 15, 1563, on seminaries. Previous to Trent, the clergy were not recruited from institutions possessing a regular course of studies in philosophy and theology as we have them to-day. In fact, so revolutionary was the Tridentine decree that Cardinal Pallavicini wrote in his history of the Council of Trent: "The most important measure was unquestionably the establishment of seminaries. The Fathers of the Council did not hesitate to declare that, if the Council should have no other result, the institution of seminaries alone would more than compensate for their labors. Alone, this measure would restore neglected discipline, since in all lands the people are what education makes them."

In the earliest ages of the Church, after the Apostolic times, a knowledge of the life and mission of Christ, joined to an ability to explain to the faithful the fundamental truths of the Gospel, when accompanied with exemplary moral conduct and saintliness, were considered sufficient qualifications for the priestly ministry. No authentic proof can be adduced for the existence of special schools for clerical education before the time of St. Augustine. The famous Christian schools of Caesarea, Antioch, Edessa, and elsewhere furnished many priests and bishops to the Church; but the actual training for the ministry was largely personal; the young aspirants acquiring the practical knowledge of the priesthood in the houses of bishops and priests and through the exercise of liturgical functions in the churches. St. Augustine's Institute was planned with essentially the same purpose in view as the Tridentine Seminary, but it is not certain that the Institute actually developed in St. Augustine's day into a school exclusively for the ministry. At any rate, the impetus he gave to the ideal was followed in other places, especially in Milan, whence a thousand years later was to come the ideally planned system of clerical education. The cathedral and monastic schools were instrumental in supplying the demand for priests during the early Middle Ages, and the influence of these schools was visible in the rise of the *Studia generalia*, or universi-

ties, of the later Middle Ages, in which the study of philosophy and theology had highest rank. For a century or more before the Tridentine reconstruction of Catholic discipline, the training of the clergy, both private and institutional, may have lacked nothing in conformity with the intellectual progress of the times, but it failed, to an extent which to-day we must recognize as considerable, to provide for sacerdotal character-building and for the practical duties of the ministry.[4]

The Tridentine decree of 1563 was, therefore, a turning point in the history of the priesthood. After almost four hundred years its enactments still contain the norm of the intellectual, moral, and spiritual training of the clergy. The Tridentine decree was indeed the very heart of the Catholic reformation. As president of the closing sessions of the Council, Cardinal Morone's influence in this reorganization was paramount. Closely allied to Morone was Cardinal Pole, in whose regulations for the reconstruction of Catholic life in England under Mary Tudor (1553-1558), the word *seminary* was apparently used for the first time to designate a school for the spiritual and intellectual training of priests. After Cardinals Morone and Pole, the name which takes precedence in the history of clerical training is that of St. Charles Borromeo, Cardinal-Archbishop of Milan, the nephew of Pope Paul IV, under whom the execution of the decree of Trent began. Among the first seminaries to be established upon the Milanese model were the English Colleges at Douai and at Rome. Both owe their foundation in a great measure to Cardinal William Allen. As the Collegium Germanicum became the model for the seminaries throughout the world, so the English College at Douai may be called the mother of all seminaries in English-speaking lands.

During the colonial and revolutionary periods of American Catholic history (1634-1789), the priesthood of the future American republic was almost exclusively composed of members of the Society of Jesus trained in English Jesuit Continental colleges and seminaries, with an occasional American who had been sent to Europe and who returned a member of the Society. The Irish clergy who came here up to the end of the eighteenth century and

[4]Cf. Scanlan, *St. Joseph's Seminary, Dunwoodie, New York, 1896-1921*, pp. 1-4. New York, 1922.

for a decade later, were educated in Irish seminaries which had also been erected on the Continent during the penal period. The suppression of the Society of Jesus (1773) and the collapse of these Continental houses of learning during the French Revolution brought a close to two centuries of success in this field. Ireland and England then began the establishment of colleges and seminaries at home. It was, as we have seen, in the earliest of these colleges in Ireland, that of Carlow, that John England received his training for the ministry. The decree of the Council of Trent imposed on every bishop the duty of establishing a seminary, but poor dioceses were allowed to combine their resources to found an inter-diocesan or provincial seminary under the control of all the bishops interested.

Dr. England mentions in many parts of his correspondence the practicability of making the Baltimore Seminary a provincial house of learning for the clergy, but he objected to it on the ground that, as a bishop of the Province of Baltimore, he would be denied any right or authority in its control. He did not misunderstand the Sulpician form of seminary government, but he believed that the members of the Society of St. Sulpice should be replaced by secular priests either born and educated in America or belonging to a race more easily adaptable to American ways and customs than the French:

> I am daily more and more convinced [he wrote in 1835], that the genius of this nation and the administration of the French are not easily reconciled. Besides this, one of the strongest topics of prejudice against our Religion is that it is a foreign Religion, and it is not American, that it is the Religion of strangers, of aliens, etc. The Irish are easily amalgamated with the Americans. Their principles, their dispositions, their politics, their notions of government, their language and their appearance become American very quickly, and they praise and prefer America to their oppressors at home. The French never can become American. Their language, manners, love of *la belle France*, their dress, air, carriage, notions, and mode of speaking of their religion, all, all are foreign. An American then says: "It might be very good, but 'tis foreign aristocracy." Trivial as this might seem, it has impeded the progress of our Religion here. And the French generally refer to France as the standard of perfection. The French clergy are generally

> good men and love Religion, but they make the Catholic Religion thus appear as exotic, and cannot understand why it should be made to appear assimilated to American principles. . . . You may use the contents of this letter as you please, as there is nothing in it I would not say in the presence of those of whom I write.[5]

The Sulpicians are not a Religious Order; in fact, the decree of Trent did not permit diocesan seminaries to be in the hands of Religious without special permission of the Holy See. The Society of St. Sulpice is a Congregation of secular priests, bound together in community life with the sole duty, apart from personal sanctification, of training young men for the priesthood. They are one of a number of such Congregations which came into existence in seventeenth-century France, through the inspiration of reformers in Christian education such as Bérulle, Bourdoise, St. Vincent de Paul, and their own founder, Jean Jacques Olier. Theiner says that these four saintly founders of seminary training rightly attributed the decadence of the Church in their day to the demoralized condition of the clergy as well as to their shameful ignorance, and that they believed the only remedy for the evils of the time to be a clergy thoroughly grounded in the knowledge of God and the knowledge of wordly science. For nearly a century and a half the Sulpicians "trained the best and most virtuous elements of the French Clergy", and gave to France "a succession of holy and zealous bishops, fifty-nine of whom suffered exile in the day of trial."[6] When that day came during the French Revolution (1791), the Church in the United States was the gainer, for the history of our established hierarchial life coincides with the history of the Fathers of St. Sulpice. "To know the one is to know the other; and fortunate indeed it was for the nascent American Church that the ideals of the priestly calling were implanted in the heart of Catholic America by the Congregation of St. Sulpice."[7]

The Catholic boy who desired to become a priest in any part of the United States in the first two decades of the nineteenth cen-

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[5]England to Dr. Michael O'Connor, Charleston, February 25, 1835 (Irish College *Portfolio*, p. 115).

[6]Herbermann, *op. cit.*, p. 37.

[7]Guilday, *Carroll*, p. 766; cf. Howlett, *Historical Tribute to St. Thomas Seminary*, p. 26. St. Louis, 1906

tury could find many opportunities for an elementary and classical education, though not always under Catholic auspices, in the private schools which grew up in most of the larger towns. The philosophical and theological education necessary for ordination to the priesthood was available in Catholic colleges at New Orleans, St. Louis, Bardstown, Detroit, Baltimore, Georgetown, Emmitsburg, with the Dominicans at St. Thomas, in Kentucky, and elsewhere; but the aspirant might be obliged to travel a long distance by stage and by water to reach them.[8] He would find life in the seminaries at Baltimore, Emmitsburg, and Bardstown a fairly primitive one, but not much different from the conditions in his own home. Should he be inclined towards the Religious life, the Jesuits had their college at Georgetown and their novitiate at Whitemarsh; the Vincentians had their own seminary at the "Barrens", in Perry County, Missouri; and the Dominicans had their novitiate in Kentucky. Catholic parents could find in the *Laity's Directory* for 1822 a good description of all the Catholic educational institutions for boys and girls in the United States.

The one exception to this encouraging growth of Catholic schools, academies, colleges, and seminaries was the South.

> There are yet [we read in the *Laity's Directory* under the section devoted to Dr. England's diocese], no Catholic schools in any part of the newly erected Diocess; but great exertions are making to diffuse a correct knowledge of the principles of the Catholic church throughout the different states by the establishment of societies which have for their object the dissemination of books of piety and instruction.[9]

Father James Wallace, S. J., one of the best known mathematicians of the day, was a professor at Columbia College, South Carolina, at the time of England's arrival.

The establishment on January 5, 1822, in Charleston, of the Philosophical and Classical Seminary was a sign that Dr. England had thoroughly studied the condition of his flock in the Carolinas and Georgia during the Visitation he made of those States in 1821. His *Diurnal* records the fact that almost the whole of that year

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[8]Burns, *Origin and Establishment of the Catholic School System in the United States.* New York, 1912. Cf. Rev. Lloyd P. McDonald, *The Seminary Movement in the United States (1784-1843).* Washington D. C., 1927.

[9]P. 116. A copy is in the library of the Catholic University of America.

was spent in visiting the principal cities of the three States within his jurisdiction. In his lengthy report to Propaganda (April 14, 1821), Dr. England describes to Cardinal Fontana the plans he had devised for the education of his clergy. Those plans apparently depended upon the release of Father Wallace from his vows in the Society of Jesus. Dr. England hoped to induce Father Wallace to leave Columbia College and to come to Charleston as the Rector of his proposed seminary. Ten boys had by that date signified their intention of entering the new institution. There was at the time little collegiate instruction in Charleston. The College of Charleston, founded in 1770 and chartered by the Legislature in 1785, ceased to give collegiate courses in 1797, and they were not renewed until 1823-24. There were some private schools, however, and many boys were sent to Northern colleges or to Europe, while others were entered at the South Carolina College, which had been erected at Columbia in 1801, and went popularly under the name of Columbia College.[10] It was here that Wallace taught from 1820 to 1834, and here he wrote his text-book on geometry which was one of the most complete in the United States up to that time.[11] Wallace's presence at Columbia attracted some Catholic boys, but the conditions under which he was accepted made it almost impossible for him to exercise spiritual care over the Catholic students or the Catholic laity in the town.

Notwithstanding the odds, spiritual lethargy and unwillingness to support the Church financially, which he recognized everywhere during the Visitation, Dr. England was too optimistic by nature to falter in his plans for Catholic education in the diocese. "Patience, perseverance, prayer and system are the only means in our power," he wrote to Judge Gaston, on July 29, 1821, "if with them I had a few *good* priests I should have great hope." On all sides he met with discouragement. Even Joanna England who had been his mainstay in darker moments, began to grow disheartened, and was then contemplating the advisability of joining Mother Seton's community at Emmitsburg. Nothing daunted him, however, for in

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[10]Meriwether, *History of Higher Education in South Carolina*, p. 57. Washington, D. C., 1888.
[11]*Ibid.*, p. 184.

October, 1821, he announced to Gaston from Baltimore: "I have succeeded in getting some priests, and making preparations for attempting a permanent establishment in Charleston."

New Year's Day of 1822 found him with his plans fully developed. These included: the affiliation of all private schools conducted by Catholic schoolmasters in the three States to the Philosophical and Classical Seminary in Charleston; the founding of other schools of an elementary and secondary character wherever Catholics guaranteed their support; the establishment of a college-seminary in the episcopal city for the higher courses and for the priesthood. To these parts of his system he intended to add schools for the education of the free negroes of Charleston. Apart from the current income of these schools, the sale of the *Miscellany* was to furnish means for a Catholic publication society for the sale of books and pamphlets, and the profits therefrom were to be added to the "fund for the education of a native body of clergy for this large and neglected diocess." But the last object was to be kept from public knowledge, he tells Judge Gaston; else, he says: "I would have not only our great enemy but all his namesakes in the printers' offices at open war with me."

The principal source of income for the seminary was the "General Fund of the Diocess of Charleston," as outlined in the Constitution. Each member of the Church in the Carolinas and Georgia was asked to contribute fifty cents quarterly (February, May, August and November), and returns were to be made annually at the State Conventions. It is evident from the Constitution that what lay nearest to Dr. England's heart in organizing the general fund for diocesan purposes was "the aid of students in theology, especially by the erection and support of a Seminary, as being absolutely necessary to insure to the Diocess a supply and succession of good clergymen," and the "giving aid to such schools as should be established, not merely to teach the human sciences but also the knowledge of the true faith and the way to eternal life." With the income he received through this general fund and through tuition fees in the college, he expected to build up a diocesan seminary of the first rank. The students in theology were to teach a certain number of hours each week in the college in lieu of their pension. This system was the same as that used in such institutions as the

English College of Douai, and is the same still in vogue in such venerable houses of learning as Mount St. Mary's College and Seminary at Emmitsburg.

The part of Dr. England's educational system which interests us is the training of his priests. When the Philosophical and Classical Seminary was opened in January, 1822, the staff consisted of Bishop England, Father Henry Doyle, Father John Twomy, Mr. John Bermingham, then a candidate for Holy Orders, and Messrs. Spring, Perry and Nunan. In April, 1822, the college had enrolled thirty scholars from the best families of Charleston. In a letter to Wallace dated April 10, 1822, Father Benedict Fenwick, S.J., speaks of the opposition which had arisen against the school, led mainly by the Presbyterian ministers of the city, "who have been," as Dr. England wrote, "furious in their attacks upon it and me." Letters were sent to the Charleston and Columbia newspapers denouncing the seminary as a nest for proselytizing Protestant youth, and warning non-Catholic parents that the financial success of the seminary meant the presence of more Papist priests in the South. Dr. England made answer in the same newspapers, but the first volume of the *Miscellany* (June-December, 1822) is strangely silent on these attacks.

We catch a glimpse here and there in his letters of the burden involved in carrying on the classes in the seminary. Writing to Judge Gaston on September 21, 1822, he says:

> I trust I need not apologize to you for my long silence—You may yourself judge of my state when I tell you that I had to perform the entire clerical duty of this city during the summer, and to superintend a large school which I have established for the purpose of endeavouring by its profits to aid in purchasing the ground for the church, and of having a school in which candidates for orders, should I be so fortunate as to meet any, might be properly educated. . . . I have had to teach mathematics therein myself during the last two months, and to study algebra, of which my knowledge was never extraordinary, so as to be able to teach an advanced class,—this together with conducting the *Miscellany* left me very little time. But God has supported me and I never felt better, thanks be to Him who gives health. I am sometimes appalled when I look at the state of destitution in which my Diocess is,—but I trust in Heaven I shall see better days.[12]

[12] *Records* (ACHS), vol. XVIII, p. 381.

The success of the seminary was assured before the end of the first scholastic year, and Dr. England decided to apply to his friends in the Irish hierarchy for priests to assist in the work. This source, however, was then under serious discussion in Rome. Even in Archbishop Carroll's day, the type of Irish priest permitted to leave Ireland for the United States had been a cause of grave concern to the American hierarchy. Archbishops Neale and Maréchal had sad experience with the Irish clergy they had accepted for our missions; and the question of controlling this source of disorder was discussed with the Roman officials by Maréchal during his visit to the Eternal City in 1822. Sometime after his return to Baltimore (November 24, 1822), Maréchal informed his suffragans of the action taken by Propaganda regarding all future missionaries from Ireland.[13] On December 22, 1822, Dr. England answered the Archbishop expressing his keen satisfaction in the new regulations which would stop the Irish bishops from giving unlimited and undeserving *Exeats*. "I know what difficulties they create," he says, "to prevent the coming of any person who may be useful and how readily they dismiss those who are useless, troublesome or disorderly. For my part, I have determined to receive in the future no person who has been on the Irish Mission and left it without having been sent for."[14]

At the end of the second school year Dr. England informed Maréchal that he had great hopes for the future from the success so far obtained in the seminary. On June 26, 1823, he wrote:

> I am proposing to commence the examination at the Seminary here where we have nearly ninety boys. I hope to make this school the source of much benefit to our Church in the South. But I want the aid of three or four *good* priests. I have been dreadfully disappointed in some whom I have received, and two of those now with me are to say the least useless. . . . I shall be able to ordain three or four men before the end of this year, of all of whom I have considerable hopes. Though some of them have only gone through a few treatises in theology, still they will be useful to me. They support themselves at present by teaching in my Seminary.[15]

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[13]BCA, Case 21A-U3; cf. Shea, *op. cit.*, vol. III, p. 74. The original letter on this delicate question, dated Rome, July 13, 1822, from Cardinal Pedicini to Archbishop Troy, is in the Dublin Archiepiscopal Archives.

[14]BCA, Case 16-M19.

[15]BCA, Case 16-J10.

The history of clerical education in the Diocese of Charleston from this time until Dr. England's death twenty years later can be found in his annual addresses before the Conventions of the three States. A comparison of the twenty-five addresses which he delivered from 1823 to 1840 reveals a striking resemblance in the presentation of the current problems he was called to discuss each year. Each address begins with thanksgiving to Almighty God for the Convention itself, and almost the same words are used in all these carefully written pages: "We have been permitted, by the kind providence of God to meet again, for the purposes of religion . . . . The first objects to be sought after are providing for present exigencies and preparing for future wants." Here follows, year after year, the same message: the greatest want under which the diocese labored was one that should appeal to every Catholic in his jurisdiction; namely, *the need of a sufficient and efficient clergy.* A detailed report is then given of the progress of the diocesan seminary during the year just passed, and an appeal is made to the faithful through the delegates to contribute regularly to the general fund which had the seminary as its chief beneficiary.

To the reader of these addresses a century later, it would appear that, while Dr. England never publicly confessed it, the whole constitutional system he had erected for his diocese and which was so roundly condemned by some of his fellow-bishops as smacking of Episcopalian methods, existed for no other purpose than to keep the seminary before the minds and hearts of his people and to ensure for it a proper and constant support. Objections to the heavy financial burden came from priests and people, especially in the beginning. Among these objections, there was one he never failed to meet squarely and frankly. Against all who differed from his ideals in the matter of clerical education, he insisted upon the absolute necessity of a native clergy.

Gradually, as these early years passed, he realized that something of the famed apostolic zeal which had glorified the Irish clergy of the penal days was missing in the priests who came to the United States from Irish seminaries, and that his only safeguard was a personal examination of the applicant before accepting him for the diocese and a period of probation afterwards. Few of these priests remained permanently. Even the most noted figure his diocese

possessed during the score of years he was bishop, Father John McEncroe, became discouraged after seven years in Charleston (1825-1832) and returned to Ireland, later to go out to Australia and to write his name high in the heroic annals of the Church there.[16] To those who saw in the seminary in Baltimore a practical solution of the heavy expense the seminary was to Charleston, he exhibited a firm resolve not to permit the young aspirants to his diocese to be educated under French influence.

John England was never tactful with the representatives of the French element in the United States. His statement that Father Deluol, the Superior of the American Sulpicians (1829-1849), was effectually "the regulator of the American Church," had a decidedly ungrateful sound to his own generation. Back of this charge, which was made in 1835, there is, of course, a painful series of episodes with Archbishops Maréchal, Whitfield and Eccleston, on the question of conciliar legislation. Dr. England believed that Maréchal was influenced by the Sulpicians in refusing to hold a Provincial Council; and he could not understand how Maréchal, a Sulpician and a noted seminary director in his day, could ignore the enactments of the Council of Trent, especially in a Church so sorely tried by disciplinary disorder as that of the United States. That racial feelings also entered into his attitude must be admitted; and in justice to the Sulpicians these feelings must be read into his address before the Conventions.

The proceedings and address of the First South Carolina Convention (November 24-26, 1823) are lost, owing to the temporary suspension of the *Miscellany*. In the Second South Carolina Convention (November 14-16, 1824), Dr. England deals at length with the purposes of the diocesan seminary. The pertinent passage follows:

> One of the great objects of our solicitude is and always has been, the creation of a seminary, in which candidates for holy orders might receive that instruction which is absolutely necessary to qualify them for the proper discharge of their arduous duties. We need not inform you of the deep erudition which should be united with that solid piety absolutely required for qualifying a priest to instruct, to teach, to exhort, to reprove, to

[16] O'Brien, *Life and Letters of Archpriest John Joseph Therry*, pp. 148-150, 250-259, 268-382. Sydney, N. S. W., 1922.

withstand the gainsayers, and to preserve with fidelity the deposit of our faith, as well as to be made the pattern of his flock and the dispenser of the sacraments, which are the mysteries of God. We know our want of means, and the comparatively small number of candidates which our diocess requires. It has often been suggested to us that it would be better to have them educated elsewhere. We have judged otherwise, and we shall give you an abstract of the grounds of our judgment. Our desire is that they should lay deep and broadly the solid foundations of classical and philosophical literature, and to be satisfied of their competency and acquirements, not so much from the reports of others as from our own close and frequent examinations. Again, we desired that under our own inspection they should grow up in the service of the altar, proceeding from order to order as they became qualified, in conformity with the salutary discipline of the best days of the Church, and in compliance with the recommendations of our councils, especially that of Trent. Then, although throughout the world our faith and our principles of morality and of general discipline are the same, yet the application of those general principles to special practice, requires the knowledge of the habits, the disposition, and the other circumstances of the people, and the special discipline of the particular church, in which the clergyman is to be employed; and even in these United States, our extent of territory is so vast, and some of our circumstances are so very different, that principles regarding the state of society which may be innocently and laudably imbibed and taught in some of our States, would be extremely mischievous in the practical results amongst us. The peculiarity of our climate too, requires an adaptation of the bodily system. In addition to all those considerations is another of the utmost importance. Although no state religion is recognized, and we trust never will be in this Union, and the minister of religion is vested with no public or influential character beyond what the voluntary recognition of his own flock allows, or the politeness of his fellow-citizens concedes, still unquestionably the clergyman has some sway over the minds of many; and it is the policy which every state has followed, and perhaps ought to follow, to be vigilant that this sway be not exercised for injurious purposes. And that which is the duty of the body at large, is in some degree the duty of each individual. Hence it is no arrogance of temporal authority in us to have determined that, as the clerical jurisdiction must be derived from us, we shall be careful that it shall not be exercised by any person except one who is acquainted with the nature of our republican form of

government, and attached to its institutions. And we have thought that all the ends which we thus seek will be best attained by the creation of a seminary in this diocess.[17]

The status of the Seminary as of the end of the year 1824 is then given:

The following is the return of ecclesiastical students in the diocess:

Two priests

One deacon,
One reader,
Two laymen, } *Deriving their support from their own means.*

One sub-deacon,
One acolyth,
Two readers, } *Receiving partial aid.*

One layman, *receiving support from the bishop.*

Of these there are in Georgia, one priest and one reader; in Charleston, one priest, one deacon, one sub-deacon, one alcolyth, two readers, one layman; in Beaufort, one layman; near Coosahatchie, one layman. Total, *eleven.* Two students died of yellow fever during the last summer.[18]

Dr. England was not satisfied with the progress made during these first two years, and was contemplating a journey to Ireland to choose some worthy priests for his mission. "If I could drag myself away from my Diocess to Ireland and England for eight or ten months", he writes to Gaston on December 18, 1824, "I could obtain much help, but then, ought I to go? This is the question which often preplexes me."[19] The *res angusta domi* was to hold him to Charleston for nearly a decade before he was free to carry out his plans. On December 14, 1824, he writes to Maréchal:

The calls upon me for churches and for Clergymen multiply very rapidly. Besides my ordinary duties, I have been during most of this year obliged to teach Logic and Theology, sometimes also Mathematics and Algebra, frequently five classes in one day, but thank God I never enjoyed better health. And during the Yellow Fever time I had no house, and fre-

[17] *Works* (Messmer), vol. VII, pp. 79-80.

[18] *Works* (Reynolds), vol. IV, p. 321. A rate copy of the *Constitution of the Philosophical and Classical Seminary* (printed at Charleston, 1824) is in the Baltimore Cathedral Archives, *Pamphlets,* vol. XII, No. 3. The great Liberator, Daniel O'Connell, was a member of the Board of Trustees.

[19] *Records* (ACHS), vol. XIX, p. 102.

quently when Mr. McEncroe was sick or at Sullivan's Island with the sick, I had during several successive days to do all their duty.[20]

On January 9, 1825, a new building contiguous to the Cathedral was opened for the ecclesiastical students, and was dedicated to St. John the Baptist, who had been chosen in the Convention of 1823 as the patron saint of South Carolina. Towards the construction of the new seminary Pope Leo XII sent through Bishop Poynter, Vicar Apostolic of London, five hundred crowns to Dr. England.[21]

During the year 1825, Dr. England travelled through the northern dioceses collecting funds for the Charleston seminary. "He made no attempt to collect here", Bishop Conwell writes to Maréchal on December 29, 1825. Dr. Conwell gave the Archbishop a bit of gossip then current in Philadelphia, to the effect that Dr. England was trying "to procure a *loan* of $500 or $1000 to buy a printing apparatus for his seminary in Charleston, for the purpose of teaching that branch to his students. But the receipt of a dispatch from Rome that same day prevented him from proceeding in his design."

On his return to Charleston at the beginning of the year (1826), he remained for a few days in Washington to call upon his friends. Some members of Congress expressed a desire to hear him preach. and on January 8, 1826, in the House of Representatives, Dr. England delivered his remarkable address on the Catholic Church before that body.

At the First Georgia Convention (April, 1826), and at the Fourth South Carolina Convention (November, 1826), Dr. England explained again to the Delegates, cleric and lay, who were present his "deep and anxious solicitude" to provide priests for all parts of the diocese:

> Our brethren in the distant parts of the diocess feel their own state of destitution, and have frequently addressed me upon the subject, in such a manner, as proved to me, that they were by no means aware of the mighty difficulties which stood between me and the gratification of their wishes; they described to me the qualifications which characterise the most learned, pious, experienced and highly-gifted clergymen, and requested

[20]BCA—Case 16—J13.
[21]Prop. Arch., *Lettere*, vol. 305, fol. 563.

that I might provide them with persons of this description. Alas! Did they but know the time which is consumed, the labour which is undergone, the difficulties to be surmounted, the disappointments to be submitted to, the hopes which are blasted, and the losses which are sustained, before a clergyman duly qualified for the ministerial office in our church can be entrusted with the care of souls, they would be more moderate in their expectations, and more forward to aid in creating a ministry to serve themselves and their children!——I do not complain of their anxiety, I do not reprove their earnestness, I do not discourage their applications; but I beg to inform you and them, that I have been labouriously active, and that my clergymen have most efficiently aided me, and that generally the candidates for orders themselves have been patient, industrious and indefatigable; but we have received scarcely any aid from the laity towards creating, and perpetuating a ministry. This subject is of vital importance and demands your most particular attention.[22]

When the House of Clergy met on November 8, 1826, to discuss the problem of the missions, they passed a resolution to the effect that even in the face of "a distressing want of duly-qualified clergymen", it was too precarious and uncertain a mode of supplying vacant congregations to depend "on the supernumeraries of the diocesses of the Union, or of foreign countries". The House of Lay Delegates was petitioned to cooperate with the clergy "by maintaining, upholding, and extending the ecclesiastical seminary now in operation, and as yet only in its infancy". The lay delegates then drew up an appeal to the faithful of the two Carolinas and Georgia. This appeal merits inclusion:

Brethren and Friends: Having during our present session been enabled, more distinctly than heretofore, to see the object and extent of our Bishop's exertions and sacrifices to procure and to secure for us and for our children the opportunities of adhering to, and practicing, and preserving, the religion of our forefathers, that religion which through the various changes of times and revolutions, has come down to us unchanged from the days of the Apostles, that religion for whose preservation our ancestors and many of ourselves have endured so much; we are the more emboldened to address you upon the subject. And we do so with the greater confidence, as we know your disposition to aid in the promotion of what

[22] *Miscellany*, vol. VI, p. 134.

will procure blessings better than this world can bestow, not only for ourselves but for future generations; and as we are convinced that by pursuing with patience and constancy, the system upon which we have entered, and the principles of which are developed in the printed constitution of our church, we will certainly attain our object. Hitherto we might be said to have had no system, no organization; every church sought by some plan of its own, to procure and to support a clergyman, and we neither had fellow-feeling for those who were bereft of such aid, nor any fixed or definite plan of securing a succession of our clergy. Though almost all the clergymen who served us were emigrants from Europe, and amongst them we had, and still have men of whom we would speak in terms of affection and veneration, but that such language cannot be admitted into an address to which we desire the concurrence of the clergy; still we know, that we have frequently experienced mortification and disappointment from others, who sought our shores more from necessity than from zeal. We ought not to continue dependent upon the chance of obtaining from our northern and western churches, or from Europe, pastors for our churches which now exist, and missionaries to visit our scattered members. Every church must look ultimately to her own children for her own clergy. The spirit of our church is on this head in accordance with the spirit of our republican institutions *viz.*, that as far as possible, we should have our resources within ourselves. We also desire that our clergy should be fully acquainted with the principles of our civil government, and warmly attached to the constitution of our general government and of our States. All those considerations have led the Bishop to the early effort of establishing a Diocesan Seminary, for the purpose of educating well disposed young men who desire to enter into our ministry, whether they be foreigners or natives; always looking to the latter as the more useful. And after very great trials and privations, and very heavy labours, he has succeeded beyond his own hopes, and our calculations. In this Seminary he has now six priests, besides other clergymen in lesser orders, who promise to be as useful as they are a most desirable aid to our destitute Church. But all this has been done with scarcely any co-operation on our part; and we have to express our gratitude to our brethren in New York, Brooklyn, Albany, Lansingburg, Troy, Baltimore, Georgetown and Norfolk, for the generous contributions, by which, upon the Bishop's appeals in those several places, they aided, last year, in this to us most necessary work. We feel, and you must be convinced, that it is

the duty of the laity of the diocess to aid in this useful effort. We therefore call upon you to exert yourselves for this purpose, as well by contributing regularly to the general fund, as also by those who can afford it, making liberal and speedy contributions for the discharge of some debts which affect this establishment; and to provide for its continuance and extension; as well as to form a fund for the support of a professor, so as to relieve the Bishop from the heavy labour which he now undergoes of giving the lectures in philosophy and theology; and thus leave him sufficiently disengaged for the performance of his other very important duties.

We beg leave to inform you that from the documents exhibited to us, we clearly see that the necessity of such exertion on your part is urgent and imperative; already we see the youth of the state presenting themselves for orders, and on last Sunday we have had the gratification of witnessing the initiation by the Tonsure of a native of Fairfield district in our state; several other children of South Carolina and of other parts of the diocess appear likely to come forward. We have heard of candidates for orders in Georgia and in North Carolina. Let us then, brethren, come forward generously, to aid in carrying on the great work which has been so happily begun, and we may soon hope to behold our children ministering at our altars, and our scattered brethren aided in the discharge of their religious duties.

In the house of lay delegates of the fourth convention of the Roman Catholic Church of South Carolina, Charleston, November the 11, 1826.

ALEXANDER ENGLAND, *Pres. pr. tem.*
JOHN M. MURRAY, *Sec'ry.*

Read, and concurred in by the house of the clergy, November 13, 1826.

JOHN MCENCROE, *President.*
P. O'SULLIVAN, *Sec'ry.*[23]

A significant editorial from Dr. England's pen appeared in the same issue of the *Miscellany* (November 18, 1826). It strikes a bolder note on the necessity of a clergy recruited from native-born Americans:

We would call the attention of our readers in this Diocess to the joint address of both houses upon the subject of contribu-

[23] *Ibid., l. c.* p. 138. The first South Carolinian to receive this initial preparation for orders was William Blain. He did not persevere. A few years later we find an advertisement in the *Miscellany* showing that he opened a Catholic bookstore in Charleston.

tions to secure a succession of good Clergymen for our Southern States. The time is now rapidly passing away when our old States can continue to be the receptacles of emigrants to any considerable extent. Already the children of emigrants begin to form the bulk of our congregations and as Americans they must naturally desire to avoid being dependent upon any foreign country for the clergy who are to guide their consciences and to serve at their altars. If we should continue to be thus dependent; not to take into account the difference of idiom even where our language is the same; and the difference of language in a variety of cases; there is a difference of customs, or habits, of views, there is the influence of family and friends which may, as has happened lately, deprive us of some of our useful Pastors at the very moment when they were most likely to be more extensively beneficial to our church.—There is the possibility of war with the nations from which the clergy had emigrated. It seldom occurs that any church will send her best members to strange countries. The French revolution had driven the most virtuous of the French clergy into exile, and our country has been blessed by their labours. But this, and events like this are exceptions to the general rule. Now, when France invites back and draws from us men who have founded and decorated our Sees, now, when she complains of a deficiency of clergy for her own Diocesses, we cannot naturally or reasonably expect to receive her virtuous youth of talent, when their own country claims a preference. We know that with very few exceptions, the efforts made to procure from Ireland men who would be useful in our church have failed. Nothing then remains for us but to turn our attention to our own resources, and to raise up for America, an American clergy: for our Republic, men who love and prefer our institutions. Let each individual contribute readily and regularly but a trifle and the object will be easily and speedily accomplished.[24]

The seminary was now reckoned among the best equipped Southern colleges. Among the foremost educators of the United States at this time was Dr. Thomas Cooper, the president of South Carolina College, Columbia. Some few letters that remain give evidence of a frequent correspondence on educational matters between Bishop England and Dr. Cooper, who was at a later date to attract

[24] *Ibid., l. c.*, p. 142. Bishop Cheverus of Boston was transferred to Montauban, France, in 1823, and on his promotion to the Archbishopric of Bordeaux, was succeeded by Bishop Du Bourg of New Orleans, who later (1833) became Archbishop of Besançon.

much attention during his trial for infidel views. In one of these letters (May 30, 1826), he writes to Dr. England:

> Your pupils hitherto have done credit to themselves, to you, and to us . . . I am very happy to see you go on well. You must not expect to get on without opposition, especially as your opponents feel the inferiority of their own attempts. I am in the same situation. Those who injure never forgive the objects of their injustice . . . We have had a rebellion here (or something like it) for a few days, but all the students have returned to their duties quietly, and the faculty have gained ground. We had determined to suspend every student in college, had they not submitted to authority.[25]

Another letter (among the few that remain in the Charleston Diocesan Archives) is one dated June 21, 1826, from Dr. John T. Kirkland, President of Harvard College:

> *Rt. Rev. Sir:*
>
> I have the favor of your letter of the 23 ult. I reciprocate your kind expression of regret that we did not meet when you visited Boston & Cambridge.
>
> I note with pleasure your intimation that one of your pupils may unite with our Society. In reply to your inquiries respecting his probable fitness for the Junior year at the end of August—I can only state that our course of Mathematic—which is on the third page, is given by the mathematical Instructors. He will have credit for what he has learned in other books than ours, according to the amount.
>
> I suppose the volumes called the Cambridge Mathematicks—consisting of the treatises mentioned on the third page are to be had in Charleston;—if not the candidate must use such books as he can get.—According to our last arrangement of studies Logick is put into the first Term of the Junior year. Your pupil will be examined in it. I have allowed it if necessary as an equivalent for some other study in which he may be deficient.
>
> Our sophomores learn & recite by lessons of about ten pages each the whole of Blair's *Lectures.*
>
> The student coming to advanced standing must pay the tuition fees (46 dols. a year) that have been charged upon those of the standing to which he is submitted. With much consideration,
>
> *I am Sir, Your obt. servt.,*
> JOHN T. KIRKLAND,
> *President of Hav'd. College.*[26].

[25]Charleston Diocesan Archives (not indexed).
[26]*Ibid.*

On March 22, 1827, we find Dr. England explaining to Judge Gaston his apparent neglect of North Carolina during the previous year:

> I feel that N. Carolina is & ought to be *now* my first object of solicitude & attention, & Newbern the place which first demands my chief care. But with my limited means I am obliged to be most economical of my time, especially for the present,—not to give a preference to any place but to provide for the wants of all. . . . I feel obliged to educate a ministry, & not only to educate, but to find means for the support of the candidates. My own presence is doubly necessary for this purpose, —first, to teach them, next to keep up the character of the school, the prosperity of which is their almost only source of revenue. This has confined me not only to residence in Charleston, but to intense & laborious application to duties not exactly such as were suited to my place, but any place would be of little benefit without a proper clergy.
>
> I have now, in the studies of the last year, four young men of most exemplary conduct, & in the lower studies at various points nearly twice as many others. The perseverance of this year will give me, with God's help, as many good priests as will fill those places which are immediately urgent & leave me an opportunity of not only placing those subjects where they will be useful, but of more leisure to visit & to superintend.
>
> If Mr. Sannon has arrived at Newbern, I should hope that his presence would be sufficient until the close of this year, or the beginning of the next, & then I could not only visit North Carolina, but take with me one or two priests, so as to leave in that state the foundation of a regular & permanent ministry. I could do little in addition at a visit in May to what his exertions would prepare. I would add to the expense of the flock & I would retard my class of Theology.[27]

Dr. England's attitude toward alien accessions to the Charleston clergy did not prevent his acceptance of worthy candidates. There came about this time from the Diocese of Kildare and Leighlin, from Carlow College, a young theologian who was to be one of South Carolina's noted priests, Richard Baker. He came warmly recommended to Dr. England by the celebrated "J. K. L.", Bishop of that See. Father Baker soon became the leading spirit of the seminary and, after the departure of Father McEncroe, the one

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[27] *Records* (ACHS), vol. XIX, pp. 110-111.

upon whom Dr. England most depended during the rest of his episcopate.

At the Second Georgia Convention (April, 1827) and at the Fifth South Carolina Convention (November, 1827), as is evident from the printed *Proceedings*, the sole object of these two meetings was to arouse and to sustain a new interest in the Charleston Seminary. Bishop England warned the laity of the two States that progress in the spiritual development of the diocese would be in direct proportion to their assistance. To the Catholics of Georgia he says: "If this day you have even a few in your State, it is owing not to any effort made by yourselves. I state it not by way of reproach but of caution and instruction. As a body you have done nothing towards securing for yourselves a ministry, nothing towards securing its continuance for your children." There were at the time in Georgia only three organized congregations, each with a priest. He recalled to their memory the unfortunate history of several priests who had been appointed, and stated that he had determined with God's help "rather to leave Churches vacant than to make any similar appointment in future", as an additional motive to them "to secure a sufficient supply of useful, virtuous, and well-instructed clergymen" for their State. Again, the lay delegates passed resolutions affirming their belief in the necessity of the Charleston Seminary and their realization that priests from foreign lands were rather a detriment to American Catholic life of that day.[28]

The South Carolina Convention of this year was a critical one in the progress of clerical education in the diocese. The number of vocations had not been satisfactory and the financial assistance given by the faithful of the diocese was not encouraging. Dr. England had to meet the objection, then current among his priests, that his decision not to accept those whom he had not personally trained, should be foregone for a few years until the diocese was able to supply its own needs.

> I need not now [he said in reply], after the experiences which we have had, and the knowledge of facts which you possess, inform you of the reasons upon which I have fully determined never to admit to the ministry in this state any clergyman

[28] *Miscellany*, vol. VI, p. 326.

against whom there was a founded complaint in the place of his previous residence. The destitute situation in which I found this diocess compelled me to incur hazards which I would now be criminal in repeating. Hence our whole reliance must be upon educating in our diocess our own clergy. Hitherto much has been done, but with scarcely any aid from the laity; the chief resources were found in the industrious exertions of the candidates for orders, and the serious and extensive sacrifices of time, of labour, of property, and of comforts, by some of the clergy. In every country, and at every time, in our church, the education of the ministry has been looked upon as a portion of the public duty of that church. We have not called upon you for any serious contributions. The Constitution which you adopted, regulated a very moderate aid to a fund for this and other purposes; the last Convention showed its sense of the propriety and necessity of giving that aid by its grant of such a sum from the general fund, as would be highly beneficial if obtained; but the vote was inefficacious, owing to the neglect of collection and contribution.[29]

The situation seemed precarious to the delegates, both clerical and lay; and before the Convention closed it was decided by a joint committee of both Houses that an appeal should be made to the Catholics of Cuba. The *Respectful Appeal of the Roman Catholics of the State of South Carolina in the U. S. A. to their Brethren of the Faith in Cuba* is too interesting an historical document not to be included:

Beloved Brethren in Christ,

We, the Catholics of this Diocess, congregated from several nations of the Catholic world, wish to make known to you our religious wants, and to request your generous aid. A clergyman, properly sanctioned, will present to you our address.

The Diocess, of which this State is a portion, contains over 800,000 square miles, and many members of our faith scattered throughout. We have only five or six priests, with our good and indefatigable Bishop to administer to us the bread of life and word of salvation. Our clergy receive but the bare means of supporting life; yet they labour zealously for us. It is a melancholy fact that many hundreds of Catholics live for years without ever seeing a priest and die without receiving the last sacraments; and, that a clergyman has often to travel hundreds of miles through our solitary woods, at his own expense,

[29] *Works* (Reynolds), vol. IV, p. 327.

to administer the rites of religion to an isolated or dying member of our faith.

The Bishop has done all that man could do to educate and procure for us good priests. Of less than one thousand dollars only, given yearly towards his *own* support, he has appropriated some for the establishment of an Ecclesiastical Seminary to prepare for us pious and learned Clergymen; yet, the debts necessarily incurred in the erection of this Institution are considerable, and it is beyond his or our power to pay them, and to continue to uphold the establishment which the necessities of the Diocess require; and should it fall, nearly all our hopes of a regular ministry will fall with it. Few priests are found to come from other Catholic countries to this Diocess, both on account of the unfavourable climate and the great poverty of our church, yet we find a sufficient number of candidates for Holy Orders; what we want, are the means to educate and support them in the Seminary. We then with confidence appeal to you to look with charity upon us and to bestow upon us a little temporal assistance. *You* possess churches fit for the service of the living God; you have a regular supply of clergymen; you can on all occasions have the holy rites of our religion administered. *We* are lamentably deficient in almost all these blessings. Our holy religion teaches us to assist each other in temporal and spiritual wants. The Constitution of our government is friendly to us, but it gives no aid to establish any denomination of religion; it rests entirely with the members of each denomination to forward their own views. Our view is yours: to worship God according to the Ritual and Doctrine of the Holy Roman Catholic church.

Some of us are Spainards, some of Spanish descent; as such, we have a natural claim on your friendly aid. Many of us are Irish—and the Irish claim their descent from Spain, and in Spain the Irish Catholic received protection and education when banished from his native shore by the persecuting code of England; all others of our communion, no matter of what country or clime, are children of the same church, and therefore should uphold the "Communion of Saints", and give friendly aid in the hour of distress.

A few words sound more in the ear of charity than long discourses to a cold heart. Be pleased then to listen to our appeal, and to consider our destitute condition—and to lend us the mite of charity in the hour of need. We shall ever remember you, and in our sacrifices, we shall intreat of our Heavenly Father to continue to you all the blessings of religion

and the consolation of doing well in this life, that you may enjoy the peace of God in the world to come.

J. M'Encroe, *President of the House of the Clergy.*
R. D. Woodley, *Secretary.*
James C. W. M'Donald, *Pres't House of Lay-Delegation.*
Laurence Ryan, *Secretary.*

I do hereby approve of the above appeal, and join in its prayer, intreating the Almighty God to incline the hearts of our brethren in Cuba to our aid, and that of their holy religion, in the hope that they may receive from Heaven through the merits of our Lord Jesus Christ, a rich recompense both in this world and in the next; and I appoint the Rev. John M'Encroe to proceed to Cuba with the application, recommending him to the kindness and benevolence of the faithful.

✠John, *Bishop of Charleston.*
J. F. O'Neill, *Secretary.*

Charleston, (S. C.) Nov. 19, 1827.[30]

Accordingly, on Thursday, November 27, 1827, Father John McEncroe sailed from Charleston for Havana "to seek for aid for the Theological Seminary." His mission was unsuccessful; the only contributions, as Dr. England tells us, being additions to the seminary library. The *Miscellany* for January 26, 1828, announces Father McEncroe's return:

The Rev. John M'Encroe has returned from Havana, where he met with considerable kindness from the Bishop and several individuals, but owing to a regulation which prohibits collections without the permission of the King of Spain; he had not been able to obtain much aid for the purposes of his mission. We have been requested by him to publish the following list of benefactors: The illustrious and Right Rev. the Bishop; the Rev. Nicholas J. Manjou, P.P. of Guadaloupe; the Rev. Augustin D. Remius, P.P. of Christ-Church; the Rev. Dr. Echavaria; Rev. J. Coleman; the Rev. Prefect of the Convent of Belem; His Excellency Sir L. Penillos the Intendant; the Count de Casa Bayona; Count Fernandina, the Countess Fernandina; Colonel Raphael O'Farrill; Brigadier Ricardo O'Farrill; S. Danery, French Consul; Joacim Gomez; Prospero A. Garcia.[31]

When the appeal to Cuba failed, Dr. England formed two societies in Charleston: the "St. John the Baptist Society" for the gen-

[30] *Miscellany*, vol. VII, p. 166.
[31] *Ibid.*, p. 230.

eral expenses of the seminary; and the "Ladies Society in Aid of the Seminary of St. John the Baptist", the object of which was to assist the students in personal needs, such as clothing, books, etc. An annual subscription of three dollars was asked from the members of both societies, and year by year until Dr. England's death, these two organizations, suffering like all similar bodies periods of apathy, were the chief contributors to the support of the seminary. "We do not labour under any difficulty upon the score of candidates for Orders", Dr. England told the delegates of the Third Georgia Convention (April, 1828):

> Applications have been, and continue to be made by such numbers as leave us ample room for choice and scope for selection; but it too often happens that they who, upon the ground of piety and talents, would be most eligible, have not the means of defraying the expenses of their support and education; nor is it enough to educate merely the exact number that would suffice to fill those stations at present unoccupied; for besides the contingencies of death and such change of disposition as might cause the rejection of the candidate, we must take into account the caprice or the discontent of the individuals, who under various pretexts, seek a dismission, and whose desertion it would be better to permit, than to encounter the danger of confining troubled spirits amongst us.[32]

Bishop England never failed to make the occasion of the annual Conventions of South Carolina, which were all held in Charleston, the more strikingly solemn to the delegates by conferring Holy Orders upon his candidates during the sessions. In this way he was able to impress upon those present the meaning of the priesthood and to create in their hearts a closer intimacy with the spiritual progress of the diocese. In introducing a newly-ordained priest to his fellow-clergy and to the representatives of the laity, he had as it were a visible proof of the value and the necessity of their sacrifices for the seminary. Pathetic passages might be cited from his annual addresses, telling of the desertion of one priest, the sudden demise of another, the ravages made in the ranks of the seminarians by the yellow fever which broke out with appalling regu-

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[32] *Ibid.*, p. 334. One of the most pathetic letters on the difficulties he was meeting with discontented priests is that to his brother, Father Thomas England (January 23, 1829); the letter is in the Catholic Archives of America (Notre Dame).

larity in the city of Charleston, and the occasional dismissal of a candidate in whom his hopes had been chilled. It is difficult, however, to find in his correspondence any doubt in his own mind over the future of clerical training in the diocese.

In one of his few letters to Archbishop Whitfield (December 26, 1828), Dr. England suggests "as matters for previous consideration" for the First Provincial Council the following points among many others: "1. *The best mode of proceeding and educating candidates for the ministry.* 2. *The propriety and practicability of having a common College, besides our Diocesan Seminaries.* 3. *The mode of guarding against the admission of unworthy foreign subjects, either in Orders, or candidates, or those who go from Diocess to Diocess.* 4. *The course of studies best adapted to our Province.*"[33]

In this letter we find for the first time what may be taken as an expression of defeat. And it is all the more significant that it is made to Archbishop Whitfield, for whom Dr. England had at the time high admiration and respect, but who was in the eyes of the Charleston prelate the successful candidate of the French clergy of Baltimore for its Metropolitan See. Whitfield, moreover, had snubbed Dr. England but six months before in not inviting him to his consecration.

> I now lay before you *in confidence for the present* [England writes], a statement regarding myself upon which I should wish from you as early a reply as convenient. Eight years have elapsed since I arrived here and during that whole period, I have laboured under serious difficulties of every description of which pecuniary embarrassments were not the least. Owing to a special providence of God, I have been so fortunate as to be at present free from any personal obligation, though much is due by my seminary and some of my churches. I have had several very bad priests whom at great expense and after dreadful trials I succeeded in banishing; the few whom I have at present are chiefly educated by myself and I hope I can confide in them. I have made several applications to Europe for aid, and with the exception of 500 Roman Crowns from the present Pope I have got nothing. My friends in Ireland write to me that if I go thither for a few months, I will obtain money, *good* priests, *good* candidates, and probably a colony

[33]BCA—Case 23—G2.

of Ursuline Nuns. I should hope that the present time would be favourable, and my great object for desiring a synod early in the spring was in the hope that I could immediately afterwards proceed for this purpose to Europe. I now think that I might go very soon and if the synod did not meet before November, be able to be with you upon my return. I must also avow that though I trust I am not wedded to life, I feel that my labours, the climate, and my great mental afflictions from the causes above stated, have considerably impaired my constitution, and that perhaps it would be a lesser evil for me to be absent for six or eight months than to leave an early vacancy in the place which I now fill.[34]

When the First Provincial Council met at Baltimore in October, 1829, the topics suggested by Dr. England were given consideration, and in the first four decrees was laid down what has since been the basis for national legislation on clerical discipline. No regulations, however, were passed regarding diocesan seminaries or regarding the provincial college Dr. England had recommended. The decrees of the First Provincial Council are mainly directed towards the reorganization of the American clergy upon a stricter canonical basis. It is significant that of all the national Councils held since the establishment of the hierarchy, besides the pastoral letter to the laity, the Council of 1829 addressed a special letter (written by Dr. England) to the clergy.[35]

Dr. England had opened negotiations at this time with the Society of the Propagation of the Faith of Lyons in order to secure financial aid for the seminary. On May 27, 1829, he wrote to Petit De Villers, a resident of Savannah, the uncle of Didier Petit, then Secretary of the Lyons Society:

> I should long since have written to you for the information of your good nephew, the Treasurer of the Society in Lyons for the Propagation of the Faith, but my health has been very delicate since my return from Savannah, & a heavy arrear of duties pressed upon me unremittingly. I now comply with your request.
>
> Upon my taking charge of this newly-created Diocess in the end of the year 1820, I found three large States committed to me containing about 1,500,000 inhabitants, which is more

[34]BCA—Case 23—G1.
[35]Printed in Guilday, *National Pastorals of the American Hierarchy*, pp. 35-59. New York, 1923.

than one-seventh of the population of the entire Union. The whites were composed of the descendants of English and Irish Protestant settlers & of many Huguenot families who came hither upon the revocation of the Edict of Nantes: these were blended with the settlers from Virginia and the Northern States & several from New England; the great bulk was of some Protestant denomination. Along with those there were Catholics, refugees from St. Domingo, a few who fled from the sufferings of the revolution in France, many Irish emigrants, & some few from Maryland. The peculiar circumstances of the Catholics caused them to be without much property; & great prejudice existed against them. They scarcely had a ministry. A considerable number of slaves were Catholics but they were chiefly those who accompanied the French, & were almost altogether confined to Charleston, Savannah & Augusta. The Diocess had in it several Indian tribes, but there was no probability of attending to them owing to the want of a clergy. The extent of territory under my jurisdiction is from latitude 30° 60′ to 36° 50′ N.—& from the Atlantic ocean to 85° 20′ W. from Greenwich, on some parts of the Chattahoochee river & 82° on the Yellow mountains, being about an area of 900,000 square miles.

When I arrived I found one small brick church in North Carolina, two frame churches & one log church in Georgia, being a total of four. The number of communicants was in South Carolina about 200, in Georgia 150, & in North Carolina 25, being in all about 375. The number of priests in South Carolina two, in Georgia one, in all three. I brought with me at my own expense from Ireland two whom I ordained. Those who were here upon my arrival shortly withdrew, & I, by great exertion, procured others: so that I was able to keep three in South Carolina & two in Georgia & visit North Carolina myself; after having gone to the principal stations in the other two states, in 1821, I then endeavored to open a seminary, whereby I might serve by teaching something to support Theological students, but the protestant ministers seeing what my object was, prevailed on their people to withdraw their children, & every one of the churches was in debt. Yet I have kept up the Seminary, & though greatly in debt therefor, I have educated a good many candidates for orders. The only help I got was $500 from the late Pope Leo XII.

Two of the priests I brought from Ireland died; the others: two I procured left me because of the great labour & small means; I had procured three others, whom I had to send away for misconduct; two others who are now serving in Georgia.

Another went away through fear of the climate. Another dissatisfied with my mode of appointing.

I educated twenty & have now four in the Seminary; of those educated & ordained by me, I have eight on the mission who are very useful & zealous. One priest & one subdeacon & two who had not been ordained died. I had to expel one priest & one deacon & two students; two went away because of ill health, & the rest dissatisfied.

I found in the Diocess:

No. 1

Priests	3	
Brought with me	2	
Received strangers	10	
	15	priests
Received students	29	laics
	44	

No. 2

Died	3	priests
Withdrew	7	priests
Expelled	4	priests
	14	priests

No. 3

Died	1	subdeacon
Died	2	laic students
Expelled	1	deacon
Expelled	2	laic students
Withdrew	3	laic students
	9	

No. 4

Now in the Seminary	4	laic students

No. 5

On the mission:

In Georgia	3	
South Carolina	6	
North Carolina	1	
	10	
Priests lost	14	—No. 2
Students lost	9	—No. 3
Now studying	4	—No. 4
Total	27	

Mission	..10	No. 5
	7	Dissatisfied and transitory students.
	44	

The number of priests necessary for this Diocess would be, I suppose, at present 18 or 20—& a professor of Theology for the Seminary to relieve me from teaching & enable me to attend to my peculiar duties. I owe for the remnants of accounts of the Seminary, support of the students, &c., at least $6,500, & I want a library.

The churches now in the Diocess are:

In *Georgia*, 3 frame buildings, viz.; Savannah, Augusta & Locust Grove; places ready for three others.

In *South Carolina*, 2 brick—Charleston & Columbia; 1 frame in Charleston—total 3; & lots are ready for the others.

In *North Carolina*, 2 frame—in Washington & Fayetteville—preparations making for 3 more.

Total, eight churches built, & preparations for eight others.

Number of communicants this year:

Charleston	550
Georgia, about	350
Other parts of South Carolina, about	100
North Carolina, about	150
Total in 1829—communicants	1150
In 1820	375
Difference	775
Churches existing or in preparation	16
In 1820	4
Difference	12
Priests	10
In 1820	3
Difference	7

Besides a Seminary, about 200 converts, & a Diocess reduced to some order. But I owe a great deal, & want much help. Do, then, my good friend, request of your nephew to press

this upon the attention of the Society. Other Bishops have received much; I have got nothing, & my Diocess is the largest and poorest in the Union.[36]

Petit De Villers acknowledged this letter on May 31, and wrote immediately to the Society of Lyons asking that assistance be given to the Bishop of Charleston. No time was lost in meeting this request, for at the Seventh South Carolina Convention (November 23, 1829) Dr. England announced:

> I am happy to inform you, that I have for the first time been authorized by a zealous and useful society in France, that of the Propagation, to draw upon their Treasurer for five thousand francs; the bill has been negotiated for $933, and the portions of it applied to different missionary objects; for this, I feel myself called upon in justice to a venerable prelate whose disinterested benevolence led him when profiting for his own Diocess from that source, to recommend us also, though he had never seen us, nor been in this quarter of our union. I ask your gratitude and prayers for the respectable Bishop of Cincinnati, who has without solicitation, and without communication with us, done this Diocess the benefit of his interposition. The Bishop of Mobile has also, I am informed, interested himself in our behalf. This I am led to expect, is but a commencement of their benefactions. May God protect and cherish the people, who amidst their own trials are so charitable to others! It is but a small portion of the advantages which America has derived from France and of which Americans love to embalm the recollection. Escaped from the fangs of a ruthless and blood-stained infidelity, whilst France offers the victim of praise upon her altars, she ennobles her gratitude by her charity and aid to rescue from their thraldom those who sit in darkness and in the shadow of death.
>
> The most ample funds for missionary purposes would be altogether useless, if we had not properly qualified clergymen who might be sent. I have frequently hitherto expressed an opinion that, however excellent clergymen coming from abroad might be, there were great additional benefits derivable from their education at home. I particularly alluded to the knowledge of American laws, intimacy with American people, the attachment to American institutions, the habit of American discipline, the zeal for American improvement, and the devotion to American rights, together with the adaption of the great principles of Faith, of morality, and of science to American

[36] *Records* (ACHS), vol. XIX, pp. 118-120.

circumstances. I am not only confirmed in the opinion, but every day brings to my mind new evidence of its correctness; and I prefer all the vexations, disappointments, expense and delay, necessarily incident to waiting for the education of a clergy upon this system, to grasping immediately at what would give us more speedy appearance of relief, but would not in reality prove so permanently beneficial. In the Seminary which we have endeavoured to create, we have had our share of the imperfections and difficulties, but from it we have received that ministry which now makes us a diocess, and we have the prospect of procuring others, who will, I trust emulate in usefulness those who have already come forth. In no human concern can man calculate upon good, and uninterrupted success; we must indeed be prepared for baffled hopes and unanswered expectations, but we must also have our share of success. Much has been done by the Seminary, though more was expected; but our future prospects are more flattering. It would be folly to remain dependent upon the casual aid that might be received from those places where in large schools, or colleges, after they had selected for themselves, their charity would bestow upon us those whom they found incapable or stiffnecked. Any Diocess which seeks to possess a good ministry, must necessarily provide for its creation, and it is more prudent for us to make the effort at this early period than to defer the exertion, which can never be made too soon, but the procrastination of which has too often been pernicious.[37]

In a letter to his friend, Judge Gaston, dated Charleston, February 25, 1830, Dr. England gives us a summary of his efforts up to that date to provide a native clergy for the diocese:

I would have written to you long since, but I hoped to be able to see you before long. This expectation I must now forego, as I fear I shall not be able to visit North Carolina before the month of November.

Mr. Byrne has been detained in this place to read some treatises which are essential & which he had not been able to read previously to his having been called out by my necessities, & though I send him now to visit North Carolina yet he must return before Palm Sunday so as to enable me to go to Georgia, & thence many pressing reasons will render it necessary for me to go to New Orleans to the consecration of Dr. De Neckere. I shall not have returned hither probably before the middle of June.

[37] *Miscellany*, vol. IX, p. 177.

Hitherto I have had to labour against serious difficulties. I had to suffer most from a bad clergy who in many parts of my Diocess had done mischief. I had to meet great pecuniary losses out of very small means, to get rid of those bad or useless men, & those means were still further encroached upon by the plottings of cunning French infidels, & foolish stubborn Irish who mistook the destruction of Church discipline for liberty, and combined to starve me into surrender. All this I have overcome. But mighty obstacles yet remain. As regards the want of means: my conscience can never permit me to countenance the pew system, which I look upon to be most anti-catholic & which I have experienced to be one of the greatest obstacle to the conversion of strangers & the religious advantage of the poor; & thus I am probably during my life deprived of considerable revenue which if I possessed I could turn to advantage. But I can not believe the means to be *justifiable to me*, whatever the end might be. The small contributions to the general fund of two dollars yearly for each member of the church, would, if regularly paid, make a revenue of over $2,000 yearly which would do much for the Seminary & for aiding missions, & creating sisters of mercy or charity, of which I have made here a commencement on account of this Diocess. The neglect of this fund is productive of the most injurious results. It stops the means of supplying stations & of making missions. Here it is acknowledged that we make the best scholars, yet as our opponents see the use to which our funds would be converted, they will not send their children to us, so that a large source of income is thus cut off.

As regards the clergy. I have been obliged to ordain & send out those whom I have before they had gone through half their usual course of studies. They have generally acted well & are well disposed, but I am obliged to keep perpetually changing their places, so as to try & give them in turn an opportunity of coming hither to supply their deficiency of knowledge,—& they are too few. Then as I have no person to teach them, I am myself confined to teach daily three or four hours class & kept thus from going even five miles out of this without keeping back for a day four others from being qualified to aid me. Thus I am rendered comparatively useless to all my out missions.

This will explain to you why I have been obliged to neglect many things that would otherwise appear my duty.

I now propose to use every exertion to procure from Europe a professor of Theology, in order to do which I must also procure here the means of his support, which can not be less than

$600 yearly; it ought to be more in this city, but if I could be certain of that amount it would be sufficient. I shall write as soon as I see a prospect of my being likely to have the means of his support. I could then visit & spend some time in the various districts, but at present I can do neither duty as well as it ought to be done, & I feel the labour quite too much for me to support. I intend to urge these considerations on the several portions of my flock, & call upon them to create a fund for this special object, besides making the general fund available.

An exertion has lately been made here by persons who had long been estranged from our church, but who have gradually returned, by which our church debt of about $6,000 has been reduced more than half & the rest is free of interest. Our Seminary is greatly involved, owing to the heavy expenses incurred when we had prospects of its being better supported. I should suppose that I can scarcely estimate its debt at much less than $5,000. But fortunately a lady who is a convert has in a great measure secured us from annoyance though she cannot save us from the payment of a large portion of the interest. Could I spare a few months for a visit to Europe I should easily clear off all those incumbrances, & I hope greatly to reduce them by the aid of the French society for the propagation of the faith from which I have already received $933 which I gave to reduce the debt of the Seminary. This city has done much & our increase of numbers, of respectable standing & of influence in this place, is too striking to pass unobserved & to leave us without the annoyance of those who would prefer its being otherwise—the advance in attention to religious duties is yet more striking & more consoling;—but when I contrast this with the destitution of my out stations I am afflicted. I trust then that an effort will be made to give me a professor of Theology, & that I shall be able to be more generally useful to the out stations than I have been. It was this hope which caused me to exert myself against the efforts which were made & to resist the importunities that were had recourse to, for removing me to Philadelphia. For a great variety of reasons, the situation would be more congenial to my own feelings, but my sense of duty leads me to conclude that it would not *now* be my place. I give you these views for the purpose, not only of an explanation which I conceive I owe to North Carolina, but also to have the benefit of your advice & to urge you to use your influence in your own state in support of mine to render efficient whatever we may conclude to be best.[38]

[38] *Records* (ACHS), vol. XIX, pp. 144-146.

The Fifth Georgia Convention (April, 1830) found him in much better spirits; and the aid he had received from France was indeed very timely. He explained to the delegates the difficulty he experienced in trying to attend to the affairs of the diocese and at the same time keep faithful to his classes in the seminary.

> Hitherto I have been from a variety of circumstances, under the necessity of teaching the theological class, and consequently my absence from the city of Charleston was always productive of serious interruption to the studies of the more advanced candidates for orders: yet my episcopal duties frequently demanded that absence. Though I have endeavoured to visit the principal stations of the diocess, still I could frequently have wished more time at my disposal, for the purpose of remaining, occasionally, in some places where my presence was specially required and of extending my visits to some of our smaller congregations who desired to be aided in their organization; but I have always been placed between difficulties in which it was perplexing to make a choice. If I remained from the seminary, each day's absence retarded the progress of the class, and detained the aid of which I stood so much in need; if I remained in Charleston, the opportunity of organizing and advancing our congregations was lost, and perhaps forever. When I ask you to make some effort to relieve me from the charge of teaching theology, I trust you will perceive I do not seek an exemption from labour; I merely exhort you to place the theological school upon a more secure and permanent basis, and to afford me the opportunity of attending more assiduously to my more appropriate duties. Believe me, that by means of one powerful and simultaneous exertion made through the diocess for this object, and by regular and perservering industry in the collection and judicious application of our general fund, more would be accomplished than we are now disposed to believe. [39]

The Georgia delegates decided that an effort should be made at once to secure a professor of theology in the bishop's place.

Before the Eighth South Carolina Convention had convened on November 7, 1830, there came to Bishop England a letter from Propaganda which not only closed a wound Rome had cruelly made five years before but also gave him renewed courage for the various enterprises of his diocese. On September 14, 1830, Cardinal

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[39] *Works* (Reynolds), vol. IV, p. 397.

Cappellari, the Prefect, wrote in reply to a letter England had sent on May 21:

> Your letter gave me the greatest pleasure; for it contains a very clear proof of the remarkable care which your Lordship is giving to the religious problems of your diocese. From its pages, it is easy to recognize that under the blessing of God, religion has witnessed a splendid advance in that diocese which has been committed to your pastoral solicitude. I desire eagerly to confess to your Lordship that the Sacred Congregation has a high opinion of your intelligence, your piety, your learning, and your other admirable qualities. That on August 27, of the year 1825, certain things were said to you by letter which were a severe rebuke to you, you since know that they must be credited to the reports sent to us by some who wished to intimate that your Lordship's attitude towards the trustees was more gentle than it should have been, and these persons feared that by reason of your stand on the matter the trustees would become more confirmed in their tenets. But I now assure you candidly that it is my wish to relieve you of all the sadness this action may have caused you.[40]

It is fortunate that John England never knew of the correspondence which passed at this time between the Holy See and Archbishop Whitfield regarding an unspeakable accusation which some of his clergy who were opposed to his restless activity had made against him. Propaganda asked on July 24, 1830, that Whitfield investigate the calumny. It took the archbishop a year (July 6, 1831) to reply that the accusation was groundless, and the Cardinal Prefect expressed his joy that such was the case:

> . . . . . *magnam mihi attulit laetitiae causam. Quod enim Sacra Congregatio vehementer optabat, et quod ratiocinando veluti certum jam habebat, id vidit cum facto ipso convenire, calumniam videlicet manifestam esse judicandam accusationem A. T. notam contra R. P. D. England episcopum Carolopolitanum Romam allatam. Spero futurum ut memoratus episcopus doctrina, eloquentia, et pietate praeditus ad multos annos a Deo conservetur et in ecclesia defendenda ac fide catholica propaganda quemadmodum jamdiu facit, summa cum utilitate perseveret.*[41]

In November, 1831, Dr. England called a general meeting of

[40]Prop. Arch., *Lettere*, vol. 311, fol. 814.
[41]*Ibid.*, f. 629.

the Catholics of Charleston and the surrounding cities and towns for the purpose of liquidating the heavy debt on the seminary. Nothing had been done in the matter of securing the service of a professor of theology to take the bishop's place, and it is evident from his address at the Annual Convention of 1831 that the apathy he had to fight from the day of his coming to Charleston had become a settled state. The general meeting passed resolutions that immediate steps be taken to pay the seminary debt; but again the effort to awaken a whole-hearted interest in the future priests of the diocese seems to have failed.

About this time James Myers of Baltimore was making preparation for the revival of the *Laity's Directory*. The *Miscellany* of December 10, 1831, contains an announcement of the volume and Bishop England speaks of his diocese in these terms:

> The Diocess of Charleston is probably the poorest in the whole Catholic Church; it extends over an immense space of ground, but has very few Catholics, and of those few, the great portion is anything but wealthy. The city of Boston contains nearly as many Catholics as form the entire white Catholic population of the three States which this Diocess comprises.[42]

It is no reproach to the Catholicism of the Southland to recognize its poverty in this earlier period of Bishop England's missionary labors. Poverty was ever present and was paralyzing efforts in many localities where priest and church and sacraments would have kept alive the light of Faith. Any other leader but Dr. England would have analyzed the situation as a losing fight against uncommon odds; but we seldom hear from his lips any word except that of courageous zeal for the tasks that faced him.

Before the end of the year 1832 the first martyr to sacred duty in the American hierarchy had passed away when Edward Dominic Fenwick laid down the burden on September 26, with the words, "Come, let us go to Calvary!" on his lips.[43] In penning Bishop Fenwick's obituary for the *Miscellany*, Dr. England opens for a moment the window to his own soul. Their difficulties, spiritual and financial, were almost identical; their zeal for the flock committed to them reached bounds in the hearts of both prelates that

[42]Vol. XI, p. 190.
[43]O'Daniel, *The Right Rev. Edward Dominic Fenwick, O.P., etc.*, pp. 431-432. Washington, 1922.

could only bring a daily martrydom; their resources were pitifully meager; the demands made upon both prelates wore them out physically and carried them off long before their work was done. But like the gallant Christian he was, Bishop England caught from Fenwick's dying words not discouragement but renewed zeal and energy for the burdens of the decade to come.

CHAPTER XVII

Diocesan Development

(1832-1842)

In the Conventions which followed during the next decade the same principles of diocesan development are enunciated with striking regularity: the necessity of creating a native clergy in the Charleston Seminary; and the inadvisability of accepting foreign priests for his missions.

In the Seventh Georgia Convention (March, 1832), Dr. England had warned his flock of this fact:

> In many instances the ideas entertained by foreigners and by large portions of our fellow-citizens respecting systems intimately wrought up with our social and political situation, would render them comparatively useless, if not absolutely injurious in a ministerial capacity amongst us. All those considerations have on previous occasions occupied your attention, and you have more than once concluded upon the fulfilment of the imperative duty of sustaining this establishment as the only feasible mode of supplying our present wants and of providing for future exigencies. You resolved to exert yourselves, and you called upon your brethren of the other States to aid you in the effort to extinguish the debt under which the Seminary laboured, *but I regret to add that, owing to what cause I cannot say, there was little effected beyond the mere expression of the resolution.*[1]

In a letter to Pope Gregory XVI (July 23, 1831), Bishop England gives us for the first time an intimation that he could no longer depend on his own priests and people to support clerical education in the South, and that he must look elsewhere for help.[2]

He could not expect assistance from neighboring dioceses, for in their episcopal cities seminaries had just been begun or were being planned. Bishop Fenwick of Boston had opened a seminary in his own house about the year 1826, acting as instructor to the young

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[1] *Works* (Reynolds), vol. IV, p. 406.
[2] Prop. Arch., *Scritt. Rifer., Amer. Cent.*, vol. 10, fol. 7.

men.[3] Bishop Kenrick of Philadelphia inaugurated St. Charles Seminary in that city early in 1832, and was its professor of theology.[4] In Septetmber, 1830, Bishop Dubois of New York went to Rome to solicit financial aid from Propaganda for the erection of a seminary, which he started at Nyack, in 1833-34.[5] The Sulpicians of Baltimore had always had the idea of founding a *petit séminaire*, a preparatory college, devoted exclusively to the formation and education of clerics. In 1830, the venerable patriot, Charles Carroll of Carrollton, donated two hundred and fifty-three acres of land, in the vicinity of Doughoregan Manor, and the cornerstone of St. Charles College was laid in 1831, by Archbishop Whitfield in the presence of Carroll, who was then ninety-four years old.[6] Bishop Fenwick of Cincinnati organized a seminary for his diocese and classes were successfully instituted in 1829.[7]

All this activity in the field of clerical education confined each bishop more and more to his own diocese. On June 18, 1832, Dr. England announced to Archbishop Whitfield his decision to visit Europe for the purpose of securing additional priests and money.

> Late accounts from Ireland [he writes], have at length urged me to leave my Diocess for some months, and to repair thither to procure those aids of which I stand so much in need. I have not yet mentioned my determination here, though it is suspected. I have written to Rome yesterday stating that the urgency of the case led me to presume its sanction, and that it was possible that I would present myself before the Holy See previous to my return hither. In such a case I would probably go through France and return by way of Germany.[8]

Dr. England had in mind as possible sources of assistance for his diocese: the Holy See through the Congregation de Propaganda Fide; the Society of the Propagation of the Faith of Lyons and Paris; the St. Louis Mission Society of Munich; the Leopoldine As-

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[3]*History of the Catholic Church in the New England States*, vol. I, p. 47. Boston, 1889.

[4](Schulte), *Historical Sketch of the Philadelphia Theological Seminary of St. Charles Borromeo*, pp. 31-33. Phila., 1905.

[5]Scanlan, *St. Joseph's Seminary etc.*, pp. 10-12. New York, 1922.

[6]Cf. *Memorial Volume of the Centenary of St. Mary's Seminary of St. Sulpice, Baltimore, Md.*, pp. 27-30. Baltimore, 1891.

[7]Lamott, *History of the Archdiocese of Cincinnati*, pp. 287-289. Cincinnati, 1921; O'Daniel, *Fenwick*, pp. 355-356.

[8]BCA—Case 22A—D2.

sociation of Vienna; the dioceses of Ireland where he was known; and friends abroad who had promised to rally to his side. He endeavored vainly to induce the Archbishop to accept the administration of the Diocese of Charleston in his absence and then named Father Robert Browne Vicar-General and Administrator. Whitfield also refused to accept Father John Power of New York for the post. On July 3, 1832, at a public meeting of the Catholics of Charleston, the bishop was addressed by Dr. McDonnald in the name of the flock as follows:

> We endeavour in the name of that portion of your flock which resides in this city and its vicinity, to convey to you the feelings, which have been excited in them at the approach of your contemplated departure for a distant land.
>
> In pursuance of their resolution, the duty devolves on us, of expressing to you the unaffected esteem and admiration, which those whom we represent entertain for your virtues, and for the capacities and attainments which adorn your mind.
>
> Inadequate indeed is the power of words to describe the gratitude and affection, which the discharge of your duties as a prelate and a friend has deeply fixed in the hearts of all your flock; more especially, would it be difficult to attempt expressing the sentiments of those individuals who have felt the benefits of your spiritual consolation, or who have derived encouragement and support from your charity and your generosity. But we speak not the voice of individuals; their love will be indulged and exercised in prayers offered to God for your safety; and their gratitude will be best proved by their endeavour to walk in the paths of righteousness; to fulfill those precepts of piety, and to emulate that virtue which you in your daily life have so unostentatiously practised.
>
> There is a more solemn voice which comes from the embodied spirit of thousands; it is the voice of your Church—of your people. For them you have accomplished that for which they must be ever thankful. Right Rev. Sir, when you first came amongst us, we were poor and weak; we were indeed as sheep without a shepherd; congregated within a small space, suffering without resistance the encroachments of our every foe; and looking almost without hope to the time when we should be gathered to our fathers, and be thus at least protected from the religious prejudices of those who taunted us, and even followed us with sneers to the very foot of our consecrated altar. But, that providence which declared "I will be with thee to the end", sent one to succour us at a time, when we

were faint and dying; when we were distracted in our councils and neglectful of our holy duties. Actuated by a devoted love to the service of Christ, you then came to us; you identified your fortune with ours; you shared our labours, you suffered our wants, and by your fortitude and energy taught us how to bear them.

From this time our affairs began to brighten. Abuses were corrected; our expenditures were regulated by the strictest economy; the organization of the church in your diocess was commenced and has been completed; the duties of your flock were pointed out, explained and observed: and instead of being tossed, as for many years we had been, upon a sea of uncertainty, the beacon you raised soon guided us to that rock whereon the great God hath built his universal church.

For nearly twelve years, you have never left your post; but now after we are secured in a participation of the sacraments and other blessings of our holy religion, you have determined to visit foreign lands, not for the gratification of curiosity, not for your own purposes of enjoyment; but for the purpose that you ever had at heart; the advancement and improvement of your diocess.

Go forth, then, Right Reverend Sir, and be assured that through whatever dangers and perils you may pass, the hopes, the wishes, and the affections of a large congregation are centered in you; and that wherever you may be, to that spot will they turn, with grateful recollections; and beseech their God to smile upon your undertakings and bring you back to minister to their spiritual wants and to afford them gladness by your presence.[9]

Rumors had not been idle during these twelve years that Dr. England was to be transferred to other Sees. New York, Philadelphia, Pittsburgh and Cincinnati had been mentioned at the various periods of their vacancy as a new field for his labors; and more than one suggestion had come from Ireland during these years that he was eagerly wanted in one or other of its Sees. There is little doubt that Dr. McDonnald voiced the fears of the Charleston Catholics that they were actually losing their bishop; but if such were the case, Dr. England made no reference to it in his reply to the above address. He left for Liverpool on July 10, 1832. He reached Ireland in August, and after a month spent in visiting old friends and in making collections for Charleston, he wrote to Archbishop

[9] *Miscellany*, vol. XII, p. 6.

Whitfield (September 18, 1832), from Dublin, a letter which was to increase the opposition that existed already to him among the French prelates of the American Church:—

> Having spent about a month in this country, I am now upon the eve of my departure for Rome and I hope to be here on my return in the month of March. I feel that I owe it to you and to America and to Ireland, to state what I have done for my own Diocess in regard to securing a good supply of candidates for orders, and to suggest to you the utility of your acting on the same plan, which would, I think, secure you against the evils of want of a proper ministry and of hazard in receiving untried subjects or bad priests. Should you approve of the plan and signify the same to me, I could before my return to the U. S. communicate your wishes to the Prelates and President of the College which I point out, and you might thenceforth communicate with them yourself.
>
> There is a greater number of candidates for Orders than the Irish Church requires, and each Bishop selects at examinations those whom he thinks most useful for his Diocess; amongst the remainder are several excellent subjects; the better amongst them have been in the habit of offering for the English Missions, and a few have crossed the Atlantic, but generally these last were those who had least hopes in Europe. The Irish Prelates are now disposed to give a preference to our Province and to afford us every aid to secure good priests.
>
> I have now secured candidates of superior promise, several of whom have nearly finished their course of study, and I have regulated with the Prelates who form the board of Trustees of Maynooth College and with the Presidents of that College and of Carlow the following plan:
>
> 1: This board meets twice in the year. I write to them that I shall want in that year one, two or more candidates. They select from those who present themselves so many of the best promise and recommend them to spend a year or two prosecuting their studies in the college of Maynooth or that of Carlow, at the option of the candidates.
>
> 2: I then authorize the President to receive in my name such number as I may want of those candidates provided their talents and conduct give good assurance of their being useful in my Diocess after one or two years probation at Carlow or Maynooth.
>
> 3: I will not have any candidate ordained for me, but when he is approved of by the President of the College, I pledge myself if he brings a certificate to that effect, that I will receive

him and afford him an opportunity of completing his studies and if I find his conduct good and his requirements sufficient, that I will ordain him, and give him a mission.

4: *Cœteris paribus* I will prefer a candidate who will be able to pay the expenses of his voyage and education, but if such cannot be had, I will try to assist in both, and at all events if he be highly recommended and has no means, I will have him kept free of expense upon his arrival in America until I find his conduct such as to require his rejection. Should you approve of this plan for your Diocess I desire to conclude an arrangement upon it as a basis. I have no doubt you could be well and regularly supplied to your satisfaction. If you do, be so good as to copy the above with any modification you may think proper, and I shall upon my return hither so make the arrangements in your name as to enable you to communicate with those Prelates and President, and thenceforth secure to yourself good and useful candidates. Should you want any immediately, be good enough to mention how many and of what description and also whether you can defray any of the expenses of their voyage and education and how much.

I shall leave this place I trust in about a week for France and thence proceed to Rome. In this country I have decided that at my return, I shall have a colony of Ursuline Nuns to accompany me to Charleston. I would probably return to the United States in the Spring, but that having to bring those ladies with me, and several candidates for orders, etc. I should not like to bring them to arrive for the first time in the commencement of summer.

May I request you will have the goodness to remember me to my friends in Baltimore, and be assured of the esteem, respect and affection, *etc.*[10]

Apparently, Archbishop Whitfield never replied to this letter; nor did Dr. England broach the plan again in his correspondence.

Dr. England reached Rome late in October, 1832, and was cordially received by the Holy Father and by the officials of the Sacred Congregation. On November 17, 1832, the Cardinal-Prefect wrote to the Apostolic Nuncio at Vienna, asking him to recommend the Diocese of Charleston to the Leopoldine Association as one of the most worthy recipients of its charity, adding that Dr. England merited "*per il suo distincto merito e capacità ed eloquenza*" to be

[10]BCA—Case 23A—D3. This letter was sent to all the American bishops by Dr. England. A copy in the St. Louis Archdiocesan Archives, addressed to Bishop Rosati, is dated the same day.

helped as far as possible.[11] The Diocese of Charleston had received from Vienna 10,000 florins in October, 1831, out of 47,000 florins sent that month to the American Church. As a result of the Nuncio's appeal Dr. England received an additional 10,000 florins in July, 1833. While in Vienna during the month of March, 1833, Bishop England drafted a short historical sketch of the Church in the United States, which is printed in the *Berichte* of the Association for that year. The *Annales de l'Association de la Propagation de la Foi* of January, 1833, contain a letter written by Dr. England at Rome (January 30, 1833), accompanied by a long *Report on the Charleston Diocess.*[12] In passing through France, Bishop England had called upon the representatives of the Society at Lyons, had explained his pressing needs, and was asked to prepare a statement on Charleston for the coming meeting of the officers of the Society.

The original letter to the Cardinal-Prefect of Propaganda is in the Irish College (Rome) manuscript *Portfolio,* and those parts of the letter which describe the development of Catholic life in the Diocese of Charleston are given here:

> It is now almost thirteen years since, on account of the peculiar inconveniences to which the Catholics of the United States dwelling on the southern American coast were exposed, it was thought necessary to separate the two Carolinas and Georgia from the Episcopal See of Baltimore, and to erect in the city of Charleston, South Carolina, a new Episcopal See for the spiritual supervision of those States. The Sacred Congregation of Propaganda was pleased to select me for the government of that new See, and his Holiness, Pius VII, deigned to approve and to confirm the selection. I received Episcopal consecration in Ireland on the 21st of September, 1820, and without any delay set out for my diocess where I arrived in the month of December. . . . .
>
> On arriving in Charleston I found only two priests who attended to the spiritual wants of the faithful in that vast region which was committed to my care, and which comprises a territory much greater in extent than all Italy. The churches, three in number, were managed by lay Trustees by virtue of a pretended right which rendered the clergy entirely subject to their caprice. I omit the sad account of previous schisms and disturbances which afflicted and almost ruined the Church of

[11] Prop. Arch., *Lettere,* vol. 313, fol. 100.
[12] *Annales,* vol. VI, pp. 211-248.

Charleston. The present Bishop of Boston had charge of this Church for nearly three years. Often but in vain he had endeavoured to induce those laymen to divest themselves of that most damaging power; but his efforts only resulted in obtaining a sort of truce in regard to its exercise; so that, while he continued to reside in that city, the trustees maintained the right of managing the churches without making use of it.

Laymen were invested with this right according to the American laws; not because any constitutional or legal statute required it, but because of a want of an accurate knowledge of the laws of the country on the part of those who were desirous of maintaining the liberty of the Church. The laws were administered by Protestants who knew nothing of, and perhaps cared nothing for, the particular discipline of the Catholic Church and gave acts of incorporation to Catholic congregations by virtue of the same principle by which they gave similar acts to Protestant ones. The clergy in general was composed of foreigners who did not comprehend the nature of those laws, and the churches were led into servitude without their knowing how to prevent or to remedy the evil.

One of the great objects which I proposed to myself when I went on the American mission was to find some expedient to impede the progress of this enormous mistake. As the United States had formerly been English colonies, their laws were based on the legislation of Great Britain, whose code differs essentially from the codes of the continental States of Europe. I had previously had occasion in Ireland to study attentively those principles of jurisprudence which directly regarded the churches of America.

As soon as I arrived in Charleston I considered it my principal duty to seek all possible information in regard to the changes which American legislation had made in British institutions. To this end I sought the opinions of various eminent jurists, but I met with great obstacles. Some of those whom I consulted had not a sufficient knowledge of the English code. Others were greatly prejudiced against the Catholic Religion; others finally did not wish to render me any assistance in throwing off the yoke which oppressed the churches. I then had to spend three entire years in studying intently and in observing the custom of the country, in order finally to arrive at a full knowledge of the principles and facts which might furnish matter for drawing up a little code of fundamental laws for the temporal government of the churches of my Diocess. By these rules, I can truly say that the clergy, and especially the Bishops are entirely free; and on the other hand the laity

are empowered to cooperate but not to dominate; and while on one hand great security and satisfaction are given in regard to the employment of the Church funds and the preservation of Church property, on the other rights of the Holy See are maintained in all their integrity and force.

Nevertheless, my work was not yet completed; for I had to induce the various congregations to accept this Code; since in America the congregations cannot be legally held without their voluntary acceptance. In this endeavour I encountered many difficulties one after another on the part of each of the three congregations which had a legal existence. It would be too long and troublesome to recount the history of all these painful contests, which lasted for six years, during which I more than once found myself deprived of the ordinary means of subsistence. I was freed from this difficult embarrassment only by extraordinary means vouchsafed me by Divine Providence. My maintenance came in great measure from the same source from which I first obtained the means to start on this mission; and to the same I am indebted for the preservation of my life, endangered more than twice by violent fevers brought on by change of climate, by mental anxiety, and by heavy labor. Now, however, thanks be to God, that code has been generally adopted by my flock, and, as far as I have been able to note, its dispositions have not only effectually remedied the evils which had almost destroyed the Catholic religion in the southern States and in many other parts of the Union, but they have also been the means of establishing peace and mutual confidence and a pleasant concord between the clergy and the laity. Several of the latter, who had formerly been my most ardent opponents, are now my best support. They acknowledge their mistake, and are the most tenacious partisans of that system of laws which once they had so warmly combatted. This system, as is natural, has its imperfections; and has great need of many improvements. During my sojourn in this holy city I propose to profit by the wisdom and authority here to be found, in order to correct this document which has been so efficacious in establishing peace and order in my Diocess, and which, I am sure, will when perfected be adapted to perpetuate these blessings. I myself have corrected some errors in it, and if the Sacred Congregation will suggest other corrections or improvements, the writer will be happy to adopt them.

Another object of my visit to Europe is to procure priests to assist me in cultivating the field which has been committed to my care. My diocess is one of the largest, and perhaps it is the poorest, in all Christendom. Comprising a vast territory

it covers a measureless extent of insalubrious swamps in a warm climate, where every summer and autumn deadly fevers prevail. Its principal cities are every three or four years visited by the malignant yellow fever. Its boundaries enclose nearly two million inhabitants, of whom about one half are negro slaves. In all this population there are but a little more than ten thousand Catholics, amongst whom are numbered the converts from the various sects, who do not number more than five or six hundred in the period of the last twelve years. Probably one thousand of the Catholics are slaves belonging to Protestant masters. For the Catholics are generally too poor to possess this or any other property. Their previous dissentions had so lowered them in public estimation that those who wished to maintain a certain dignified position in society abandoned the Church through shame. Some of these have returned during the last four years; others commence to show themselves again amongst us, but alas, I fear that many are lost forever. This in great measure is the result of the indiscreet zeal of two or three priests, and principally of the vices of one or two of them, and of the usurpations of those ignorant and ambitious laymen.

Until fifty years ago scarcely any Catholics emigrated to those regions and then there were no priests to attend them; and for this reason I judge that there are some descendants of Catholics in my diocese, who, together with their families, are lost to the Church, and belong to the various sects whose members are four times more numerous than those who now profess the Catholic religion. Perhaps in this matter I myself have been at fault in yielding so much to a sentiment of delicate modesty, as to prefer putting forth every possible effort on my part to asking assistance from the Holy See. Others in the meantime had recourse and received aid; and some of these have accomplished wonders for the cause of religion, while I have laboured with little fruit.

I could not find native youths who would present themselves for holy Orders; but I procured a few from Europe. I had no means whatever to provide for their maintenance. But I perceived that in the city of Charleston, which with its suburbs numbers 40,000 inhabitants, there was wanting a good school of belles-lettres. The citizens had a greater opinion of my learning than I merited, and I determined to put this circumstance to good use. I opened a school and had those young men as my assistants. The success was favourable and beyond our expectations. Our scholars were the best in the city, and I furnished the school with excellent teachers, giving them a good salary. But

as soon as it was known that I aimed in that school to educate young men for the priesthood, the Protestant ministers caused nearly all the pupils to withdraw, and I was thus left with a heavy debt upon which I was obliged to pay interest. I then employed myself in teaching theology and philosophy and helped in teaching the few scholars who had remained in the school; and by this expedient I succeeded in procuring for the diocess twenty priests, eleven of whom are now exercising the holy ministry, three are dead, and the others have gone elsewhere. Two of my students are now preparing six young men who aspire to holy Orders, and at the same time are keeping up the school for the lay pupils, by which means they procure their own maintenance.

The aid which came to me from France has almost extinguished the debt of my little Seminary, and has relieved me of an embarrassment which for a long time kept me in a state of painful suspense. I have lately been in Ireland, and have made arrangements with several bishops there by which I can hope for a sufficient number of good young men who aspire to the ecclesiastical state; but the means are wanting to place upon a solid basis a seminary for their education and for the education of those who will succeed them as also for the establishment of a college, in which the youth of the country could receive a good education, and from the profits of which the expenses of the ecclesiastical seminary could be defrayed. Having by this arrangement with the Irish prelates provided for a supply of good subjects, I trust that some help will be granted me to complete their education, as similar aid has been accorded by the Holy See to my brethren of the American Hierarchy.

Another object that I had in coming to Europe was to procure some Ursuline nuns for the education of the girls of the country. Their parents are greatly desirous of obtaining the best and most complete opportunities for their instruction. Though for the most part Protestant, they hold in great esteem the qualifications of these nuns, and I am sure that they will confide their children to them; and thus their prejudices will be removed and many conversions will follow; or at least the way will be opened through the good ladies educated by the nuns to exercise a very powerful influence on the whole mass of society. I have succeeded in obtaining a foundation from the community of the Irish Ursulines of Cork. I have already bought a house and garden in Charleston for their use. The $4,000 which I received from Vienna form only the third part of the sum necessary for the full payment of the house and

garden. The other two thirds together with the interest must yet be paid, and I must also find the means to defray the expenses required to bring the nuns to Charleston. They are waiting me in Ireland to accompany me on my return, together with twenty aspirants for holy Orders, several of whom have almost completed their course of studies.

The peculiar condition of my Diocess required peculiar institutions for the slave population.

About three years ago three young women asked my permission to take the religious vows. I encouraged them to form a congregation to instruct the black girls as also the poor white girls; and moreover to take care of the sick and to practise other works of charity. I gave them a very short and simple rule, and received their vows which were to be renewed annually. Others soon joined them; there are now ten in the community, and they give promise of being useful beyond my expectations. Several Irish young ladies desire to unite with this institute; and I am anxious to find the means wherewith to bring the best of them with me and to confide to their care our Catholic orphan girls, whom heretofore I have been constrained to see collocated in places where they lose their faith and their morals.

I also wish to establish in my diocess a congregation of young men, who bound by religious vows leading a community life under regular discipline, may attend to the instruction of poor boys, free and slave; and teach them the ways of commerce and the industrial trades, especially the trade of building churches, schools and other edifices for religious purposes. There are already in my diocess three or four young men disposed to enter upon this kind of life; and I hope to find in Ireland several more who may feel inclined to join in this holy undertaking. This affair also requires considerable expense in the beginning, but once established, a way will be found to make it self-supporting.

The few Catholic congregations in my diocess are the poorest in the United States. Nevertheless it must be said that, considering their poverty they have done wonders in the way of acquiring land for church purposes, in erecting new places of adoration, in supporting and assisting the clergy, and in maintaining the seminary. The good will of our fellow-citizens towards us increases every day; but our buildings do not merit the name of churches. With two exceptions they are all of wood, and some of these threaten to fall. The best that we have is that of Columbia, the seat of government of South Carolina. It is well built of brick, is commodious and beautiful; but the Catholics

there were imprudent in erecting it, for when it was nearly finished they found that they could not pay even for the material used in the construction, and the Court ordered it to be sold to meet the claims of the creditors. A convert from Protestantism loaned me the money required to redeem it. Thus we have saved it for ourselves, but I am indebted for this loan in the sum of three thousand dollars, and the congregation could not pay more than three hundred. It is necessary moreover to build small churches in other places where three or four families are dwelling close together; and by means of this convenience afforded them their Protestant neighbors will learn the truths of our holy religion. These small congregations will increase little by little, as has happened in other localities where similar efforts were made. It is necessary also to provide for the expenses of the missionaries who will travel around attending to those churches and visiting the few Catholics settled here and there, far from every opportunity of practising their religious duties. To provide such means was also one of the objects of my journey to Europe.

On my arrival in America I soon found that the Press was one of the greatest instruments for good or evil; for there everybody reads the daily or weekly papers, while the reading of books is not so common.

The entire mass of these journals was opposed to us and to our holy religion; and besides the six hundred and more literary or political newspapers under the control of our adversaries, there were more than fifty weekly papers established and maintained by the sects, and these had a widespread circulation. And as they were very large sheets filled with arguments in favour of their particular doctrines, and with the vilest and most shameful calumnies against Catholics, I thought it necessary to counteract this evil as far as I could; and on the strength of subscriptions promised I started the publication of a Catholic weekly journal, which has now reached its eleventh volume and is being carried on by those who were trained to the work under me. I know that this journal has dissipated many prejudices and has silenced many enemies; that it has filled many Catholics with courage and has caused some conversions. Now I see that three other Catholic journals of the same form and various political dailies sustain our doctrines; so that of one thousand journals in the United States, it may be said that ten are Catholic, one hundred anti-Catholic (of which sixty are furiously inimical), perhaps one hundred favourable to Catholics, three hundred or four hundred unfavourable, and the rest indifferent. But I frankly confess that my receipts from this source do not

suffice to meet the necessary outlay; and yet, not only must such journals be maintained, but we must moreover seek to avail ourselves in a more extended manner of the periodical press. This is a point that must not be overlooked; and one of the principal aims I have in view is precisely to find the means for maintaining and extending this instrument which already commences to furnish us with such power for good. . .

One of the worst calumnies against the Catholic religion, and one to which much credence is given in various parts of the Union, is that the Catholic Church, and especially that the Holy See, is inimical to science. It would be beyond measure useful to undermine this falsehood by every means possible. The Americans have a great affection for literature and great respect for those who cultivate the sciences. Whatever tends to show forth the Catholic religion as the friend of science would greatly aid in dissipating their prejudices and in conciliating their respect. . . . .

I have laid before your Eminence the efforts that I have made heretofore and the motives and the aims which led me to undertake this trip to Europe. I had hoped to find some assistance in Vienna, and your Eminence was pleased to recommend me in a very particular manner. I am under great obligations to Monsignor Ostini, the Nuncio Apostolic for favours bestowed, but unfortunately the distribution of funds had taken place before my arrival and before the receipt of the letter of your Eminence. My expectations were thus frustrated. No one feels more profound sorrow for the afflictions and straitened circumstances of the Holy See than does the writer. When the head is wounded all the other members must suffer. Heretofore I have imprudently combatted these complicated difficulties without appealing to anyone for assistance, hoping against hope that I could finally succeed by my own endeavours and without becoming a burthen to others. My brethren in the American Hierarchy asked for aid and got it; and while I am proceeding but slowly, I see them far ahead of me in the career of usefulness. Hence I have judged it criminal on my part to remain silent any longer.

I ask nothing for myself. My diocess affords less advantages than any other perhaps in the western hemisphere, since it is the poorest, the largest, and the most insalubrious. Though I inherited a robust constitution, I have learned by experience, during several attacks of fever, the dangers of my position. A beloved sister whose attachment to me brought her to these far distant shores, whose incessant care more than once saved my life, and whose love for our holy religion moved her to

sacrifice her little property and to devote it, when every other means was wanting, to the foundation of my diocess and to the maintenance of the institutions already established, ended by sacrificing herself as a victim of the miasmal climate. The first priests whom I had as companions urged me to abandon that land which they styled "the land of many horrors and of no hope", and my relatives, though by no means wealthy, offered to provide for me a comfortable support if I would only retire and spend my remaining days with them. But since the Vicar of Jesus Christ, upon the recommendation of the Sacred Congregation of Propaganda, has sent me to those regions, no matter what may be the difficulties that surround me, no matter how great may be my disgust with the condition of the slaves, brought into my diocess under a system which perhaps is the *greatest moral evil that can desolate any part of the civilized world*, still I am content with my lot and with my surroundings; for during the few years that may yet pass before I am carried to the grave, I care not where I may be located provided only I can be of some use. Wherefore having due regard for the dispositions of your Eminence and for the dignity with which I myself am invested, I do not intend to throw out any insinuation which might be construed as meaning that I wish to abandon my post.

The circumstances however in which I find myself and our mutual relations demand the open and candid sincerity of the sons of God. If your Eminence refuse to grant me any succour, I shall indeed be profoundly sorry, but at the same time I shall be fully resigned; and I shall return to my diocess to labor according to my strength. But if your Eminence be pleased to accord me the assistance asked for, I am sure that a new and wider career of usefulness will be opened up before me, in which if God will but prolong my life and will sustain me by His grace, I will employ myself in bringing into the effulgence of His Divine Light many who are now sitting in darkness and in the shadow of death.[13]

Neither the Holy See nor the Sacred Congregation was able to afford Bishop England any financial assistance at this time, but strongly recommended him and his diocese to the generosity of the Societies of Lyons, Vienna and Munich. From this time on, as will be seen in a later chapter, the Diocese of Charleston was substantially helped from these European centers.

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[13]From the Irish College *Portfolio*, pp. 293-304; the entire letter will be found in the *Records* (ACHS), vol. VIII, pp. 317-329.

Dr. England reached New York on September 21, 1833, after an absence of fifteen months, in time for the Second Provincial Council, held in Baltimore, October 20-27, 1833. His experience at the Council was a very painful one. He found himself deserted by all the prelates who were present, on the question of an agreement between the American hierarchy and the Bishops of Ireland for a regular recruitment of priests for the United States. The Irish College *Portfolio* contains the following significant letter on England's position from Bishop Kenrick to Paul (Cardinal) Cullen, dated Philadelphia, March 20, 1834:

> I feel grateful for your attention to my "Theology", and hope that I shall before long have it, if not in print, at least in manuscript, with the judgment of some able theologians on its merits and defects. We want some work which might be a repertory of authorities and arguments in support of the doctrines of faith, unencumbered by the Scholastic disputes. A solid and concise work of this character with a correct system of Moral Theology, would be of great value in this country. At present we experience no small difficulty in providing the students with Class-books, and still greater difficulty in furnishing the missionaries with theological works which they might consult in a variety of contingencies. However, I am not vain enough to think that my effort will please all, nor am I anxious that my theological compilation be adopted.
>
> In regard to the Council you were correctly informed. Little was done in consequence of the suspicion with which every measure emanating from Bp. England was viewed. The Prelates for the most part seconded the Archbishop, who felt mortified that he had been obliged through the influence of Bishop England to call the Council. Bishop Rosati felt displeased at Bishop England's interfering at Rome in regard to the limits of his diocess; though Bp. Rese and I agreed perfectly with Bp. England on that point; the addition which is now proposed to be made to Missouri diocess being calculated to diminish the importance of the new diocess of Vincennes.
>
> The talents, learning, fame, eloquence of Bp. England rendered him not an object of envy, for I believe the good Prelates superior to this narrow passion, but fear, for they dreaded lest his active mind and liberal views might lead them into the adoption of measures that might weaken their authority and disturb the repose of the Church. To me they appeared to fear where there was not cause for fear. Their votes could always outweigh his arguments. Had they manifested a respect for

his judgment, a disposition to hear his reasons, and to adopt his suggestions, if found correct,—had there been more personal courtesy, fraternal charity, and less bias, less anti-Irish feeling, the results of the Council would have been more consolatory. We would not have seen the State of Virginia sacrificed by being made an appendage to the Arch-diocess, when it might be a flourishing diocess; a young man, having no experience of the ministry, save that which he could have within College walls, raised to the office of Coadjutor to the Archbishop; and an old man, with the most strange eccentricities of mind, sent in the decline of a life spent in Collegiate exercises, to be the Apostle of a new diocess.

I scarcely like to trouble the Sacred Congregation with complaints. I am decidedly of opinion that triennial Councils, conducted according to the spirit of the Church, would eminently contribute to give us all the benefits of combined counsel and exertion, would establish order in the various diocesses, would correct the discrepancies of rite, would strengthen legitimate authority and take away the occasion of schism; would in a word, effectually advance the interests of religion. But if Councils are not held, I shall not on that account be unhappy. I shall attend to the diocess entrusted to my care, and leave to Rome and the Archbishop the concerns of the province.

I might be wanting in duty did I withhold the expression of a sentiment that may appear paradoxical, which is nevertheless true,— that the greatest evils with which this country has been afflicted, are attributable to good men. The scandals of Hogan and other unworthy priests, the pretensions and usurpations of schismatical laymen, could never have been formidable, had not the system pursued by good men, who have had the reins of government in their hands, left Religion defenceless, a prey to the assaults made by wicked men. These good men with the best intentions have procured the elevation of men of virtue, but destitute of several necessary qualifications. The first cities of the East have had Prelates whose imperfect knowledge of the language of the country must make their instructions matter of ridicule rather than of edification. The West is likely to be similarly circumstanced, if the Bishop of Vincennes be selected according to the wishes of the assembled Prelates, who in this instance yielded too much to their veneration for the individual.

The Bishop of Charleston's proposal to supply this country with Missionary Priests from Ireland found no favour with the Council. "There was", as a French Bishop writes to me, "an evident disregard and defiance of the Irish interest in the Coun-

cil." God forbid that I should indulge any national resentment when our common Religion is at stake. I am Catholic in my feelings. The Frenchman whose zeal for Religion is conspicuous is dearer to my heart than the lukewarm or scandalous Irishman. I strive to forget the difference of birthplace, in order to regard only the personal qualifications of those with whom I have intercourse.

The Mission of Bp. England to Hayti has not been successful, but he hopes that an opening is made for improvement in the condition of that island, now overrun with scandals. He spent last Sunday here on his return to Charleston, and means to repair to the eternal city in a short time. I do not anticipate that he will ever return to this country, as he is perfectly disgusted at the treatment he received at the last Council. His loss will be great; though it might not be desirable that he should remain here at variance with the Archbishop, or at least entirely differing from him in his views of Church government. Besides, Charleston diocess is not a fit theatre for a man of his splendid talents. He would shine with great lustre in some of the eastern cities, and I would at any moment resign my mitre to make place for him. This I authorize you to communicate to the Sacred Congn. I care not where my lot is cast, though I am perfectly happy here, since all things prosper. Pray for us all and believe me, *etc.*[14]

On November 17, 1833, the Tenth South Carolina Convention met at Charleston, and Bishop England's address on this occasion contains an account of his successful mission with the charitable societies of France, Germany and Austria. In spite of the adverse stand taken by the prelates of the Second Provincial Council, Dr. England was specially pleased, he said, over his negotiations with the Bishops of Ireland in the question of suitable candidates for the Charleston Diocese:

In Ireland, I sought, not only to obtain a number of candidates for holy orders, whom I might, upon examination, find to be of useful promise for our missions, and sufficient for our pressing wants; but also, to make such an arrangement with the prelates of that country as would in future insure us a continuance of similar aid, until the youth of our own diocess would offer themselves in sufficient numbers to meet the demands of our churches. I represented to the venerable men presiding in that island, which has, under such varied, protracted, and searching persecutions, preserved untainted the

[14] *Ibid.*, pp. 18-20.

lustre of her ancient faith, that such an arrangement was exceedingly desirable; because the large majority of the Catholics in the United States were either Irish or their descendants; and though emigrants daily left Ireland for these states, still were they bound by many a fond tie and early recollection to the spot of their nativity, and that, though removed from treading upon the soil over which those bishops whom I addressed held jurisdiction, the forlorn wanderer, as he traverses our forests, still looked back in affection to the altar round which his family was gathered, and wept when he contrasted his destitution with their opportunities. Hence that the Irish prelate must be considered not only bound to this emigrant, by those common ties which unite every bishop with every Catholic; but that, next to their own immediate pastors, this large and interesting portion of our flocks, considered that they had a special claim upon the pastors of their childhood, of their youth, and of their families. I added that the identity of language made it not only natural, but in a measure requisite to have our wants supplied from Ireland, for those portions of our flocks with which that identity existed. Moreover, that the spirit of our political institutions was in principle similar to that which now animates the great body of the Irish Catholics; that no emigrant more speedily or more easily adapted himself to the genius of the American Constitution than he who came from Ireland.

England and Scotland, I showed them, had received vast successions of Irish Catholics, who were followed by an Irish priesthood, selected for the purpose, by persons commissioned in Ireland by the English vicars apostolic, and the consequence was, that instead of the faith of the emigrant being lost, the wanderer had been brought back, and the stranger had been added. The zealous emigrant clergy of France had by their virtues and their prayers, previously done much, notwithstanding the great obstacle of their imperfection in the language; but the rapid increase of our religion in Great Britain, commenced only at that period when her missions began to receive the aid of a properly selected body of clergy from Ireland. That even in France, many of the churches are served by an emigrant Irish clergy, who certainly could not, by reason of their language, be equally efficient as those who, from their infancy, had been speaking French as their mother tongue. That the Catholics of America had, at least, an equal claim upon the Irish Church, as either Great Britain or France. I added, that, as several of the clergy who, in Ireland, had been censured for their crimes, or banished for their scandals, had

frequently taken refuge amongst us; and we sometimes, pressed by our necessities, and trusting in their repentance, had admitted them to the ministry, and been cruelly disappointed; it was right, upon all those grounds, to admit us to a participation in the benefits to be derived from the aid of candidates differently selected. The overture was cheerfully met by such of the Irish bishops as I conversed with; and as I imagined that several of my brethren had authorized me to make it, I expected that it would have been followed up by them upon my return. However, as far as this diocess is concerned, we shall profit of the kind dispositions which those prelates have evinced. And already you behold amongst you a number of candidates, who will, I trust, rise up amongst us, emulating in their zeal for the practice of virtue and the acquisition of science, that race of men who, under the auspices of heaven, and whilst they shed light upon the earth, prepared souls for heaven, and won for their country the title of "Island of Saints." I expect, therefore, that one of the most serious impediments which has heretofore obstructed our course, perplexed our minds, and baffled our efforts, will have been thus removed; and that whether from at home or abroad, an ample number of candidates will be henceforth under our view, from which we may select a useful and efficient ministry. Some time, however, must yet elapse, before the beneficial effects of this regulation will be manifest.[15]

On December 17, 1833, he had the happiness of sending two boys of the diocese to the Collegio Urbano in Rome, one of whom became the future Civil War Bishop of Charleston, Patrick N. Lynch; the other, James Corcoran, was one day to be hailed as one of the great theologians of the American Church.[16]

Practically the whole of the next year (1834) was spent in the Haitian negotiations. Holy Week, however, saw him in Charleston for the celebration of the sacred ceremonies. Shortly after Easter he sailed from New York for Havre on his way to report the progress of his Apostolic delegation to the Holy See. On May 13, 1834, he wrote to Paul Cullen, "on board the packet ship Rhone, mouth of the British Channel", saying that he expected to reach Rome early in June.

As to American affairs [Dr. England says in the letter], I am probably done with them, except so far as my own diocess is concerned. Of one thing I am convinced: that either I am

[15] *Miscellany*, vol. XIII, p. 162.

[16] Cf. Heuser, *Monsignor James Corcoran*, in the *Amer. Cath. Quarterly Rev.*, vol. XIV, p. 738.

totally unfit for an American diocess, or the great body of my brethren have made sad mistakes. They are well disposed but their minds and mine are cast in different moulds, and co-operation is out of the question; for I cannot approve of their principles of administration, and at the last Council, they plainly manifested the most distinct want of confidence in me.

Back of this lack of confidence Dr. England saw the influence of the Baltimore Sulpicians.

I am under the impression and no doubt exists in my mind of its correctness, that the Archbishop, without being aware of it, is completely the tool of the Sulpicians, who have for a number of years created a government of faction and intrigue, instead of honest, open, strong administration, based upon the convictions, and sustained by the affections, of the Catholic body. The consequence is that the great body of the priests and the great body of the people are in secret opposition to the great body of the Hierarchy and their adherents; and on the other hand the power of administration being lodged in this few is regarded with jealousy and distrust by those who ought to support authority. Added to this, the prejudices of all our legal tribunals are arranged against our institutions, but the law sustains our rights. This faction, for in truth I can give it no better name, instead of sustaining itself by the force and by the provisions of the law, and thus standing upon firm ground, as they were repeatedly advised by the present Secretary of the Treasury, the late Attorney General, and several others of our best Catholic lawyers prefer a miserable course of evasion and chicane which fosters a spirit of intrigue, is more congenial to their habits and modes of thinking, and whenever we are forced into Court not only exposes us to defeat but to ridicule, and keeps up the impression that the Catholic religion is hostile to our political and legal institutions. These causes render a schism here very formidable; it might be created by the most chuckle-headed priest, and it would require more than I can easily find here to extinguish it. That in Philadelphia, which continued ten years, could by any other administration have been stifled at its birth; frequently I could alone have done it, but now I know and have the proofs abundant that at that very time *it was not desired to have it cease*, until by its means Irish influence should be destroyed. The history is melancholy; I hope I shall never be *forced* to give it to the printer.

Upon all these grounds I feel that I can do no good by interfering in American concerns. I do not now blame Rome

as I formerly did, but I lament that whilst she imagines herself doing good, she has thrown an incubus upon the energies of the Catholic Church in America. I will give you one instance. The present bishop of New York has not one dollar, nor can he raise one hundred in his diocess; and all his projects, visionary as they were from the beginning, are now seen to be failures. Yet in that Diocess, a bishop in whom the people would confide and whom they would respect, could in a year raise from 60,000 to 80,000 crowns for any purpose of religion. The solution is simple. The people are principally Irish, and American in feeling, and they see that in the administration of the American Church the whole action is anti-Irish and anti-American. They are therefore inert. I know, though every effort has been made to conceal it from me, that they are now so convinced at headquarters of this that no other Frenchman is to be named for New York. But an effort is in progress to shut out the man that the people wish, and to get an Irishman, who has never been in the Diocess, for Coadjutor to Dr. Dubois. You are one of those in contemplation. But if they succeed in this, I have reason to believe that if any other but *you* be the person, the opposition will cease to be inert. I prefer writing this to you beforehand that you may so regulate as not to have any notion held out that I will interfere in American concerns, or that I approve of what has been done. But I repeat; the fault is not at Rome, except that Propaganda is led by the *whisperers*. But I have no right to complain of that, for they are more numerous and more adroit than I am.[17]

The Apostolic Delegation to Haiti which Pope Gregory XVI requested Dr. England to accept while he was in Rome, now comes into the history of Charleston; and from 1834 to 1836 it had the effect of retarding Dr. England's plans for the recruitment of his clergy and the development of the diocese. The Haitian mission was directly responsible for the fiasco of Bishop Clancy's appointment, and likewise the cause of several untoward incidents which gave disorder an opportunity to raise its head again in the diocese. Fortunately the number of candidates he had accepted from Ireland and the number of vocations from his own diocese were sufficient for the needs of the missions during this time. Shortly after his return, at the Eleventh South Carolina Convention (December,

[17]Irish College *Portfolio*, p. 107. The letter (with some omissions) will be found in the *Records* (ACHS), vol. VII, pp. 481-485.

1834), he was able to announce that nearly all the clergy of the diocese had been trained in the Charleston Seminary.

The year 1835 may well be taken as the turning point in Dr. England's career in Charleston. His long absence and the preoccupations caused by the Haitian mission were detrimental to diocesan development. Added to all these extra-diocesan preoccupations was the anxiety caused by his responsibility for the Church of Florida, the administration of which he had assumed in 1822. "I found the sources of income choked and the debts greatly increased," he writes to Cullen on April 7, 1835:

> When I calculated everything was nearly out of debt, I found I was in want of from seven to nine thousand crowns; and no means, not only to liquidate the debt, but to support the clergy of the seminary. I have succeeded in creating a fund now to be permanent, for the support of the clergy of the city, but by consenting most reluctantly to the erection of pews to be rented. I also succeeded in getting a society formed to sustain the Seminary by monthly or weekly contributions. It would require about 2000 crowns yearly to sustain this, and the Society now contributes about 1200. The school has gone to decay, having been neglected. I remodelled it and put it under system and in pretty good hands. It will perhaps bring us 400 or 500 crowns yearly. I found that it cost 600 crowns yearly more than the income to support the *Miscellany*, and that owing to the virulent spirit of sectarian hostility, raised up within the last two years and which urges our disenfranchisement and persecution, and likewise calumniates us most foully and incessantly, nothing would justify me in giving up a paper which is at once our sword and our shield. By dint of economy I reduced the expenses so as to diminish them over 200 crowns, and determined to raise the rest, get it where I could.[18]

The Church was then the object of an organized attack by an anti-Catholic movement which had arisen with startling force and had swept the country with a wind of hatred for all things Catholic. The Philosophical and Classical Seminary of Charleston was deserted by its non-Catholic friends; and eventually Dr. England announced that it would have to be discontinued.

> I shall probably for the last time relate what I have here stated on a former occasion. I did hope some years ago [he announced to the Society of St. John the Baptist, at its second

[18] *Records* (ACHS), vol. VIII, p. 209.

anniversary meeting, on February 2, 1837], to create for the south a literary and classical institution of a higher grade than any which it has as yet possessed. The commencement which I made was flattering, the encouragement given to me was cheering, and I was preparing to follow up my plan. Having no desire to enrich myself but anxious to afford employment to such of the candidates for orders as were qualified to aid in the institution, as also to form a body of teachers upon whose services I could better calculate and whose discipline I could with facility control, I intended that whilst I gave to the state a school which would raise its standards of literary instruction, I should have my recompense in turning to the creation of a seminary the profits of this school. No one has ever ventured to assert that the religion of any pupil was directly or indirectly interfered with, though it was said that the children could not retain the dislike of our religion which it was thought proper to instil into their minds, if they were permitted to remain under our tuition, and most of the clergymen of other religious denominations of the city used their influence, as by concert, with their flocks and succeeded in having our pupils withdrawn. I shall only say that they acted as I trust I should not have done in their regard. Though I have for some years since then continued the school, the income from which was trifling, I have now determined to discontinue it altogether though I am not without the expectation that a day may come in which I should be able to effect my original purpose of creating in Carolina a school of a higher character than it has hitherto possessed.[19]

The fire of April 27, 1838, which destroyed the business section of the city of Charleston, burned down some Catholic buildings, among them the venerable edifice of St. Mary's, and crippled the financial prospects of the diocese at a time when new demands were being made upon the priests owing to the presence of many Catholic workmen on the railroad construction of the Southland. At the Ninth Georgia Convention (May, 1838), Dr. England deplored the fact that the diocese had no building "which deserves the name of a seminary and would afford the necessary accommodation to the students." The same problem was presented to the Fifteenth South Carolina Convention (November, 1838). A nation-wide appeal had been made by the Charleston Convention after the fire, and much of the suffering consequent upon that disaster

[19] *Miscellany*, vol. XVI, p. 258.

was relieved. But the seminary was not prospering. "Our Seminary," Dr. England said at this latter meeting, "has, during the last year, been greatly reduced in numbers, and at present we have only two students who still attend the lectures, though the course has been seriously interrupted not only by the occupation of the teacher in attending to the sick, but also by his own illness." Applications still came in from young men of the diocese to become priests, but Dr. England saw no hope of their education in the straitened circumstances. The necessity of taking care of the increasing number of orphans and of attending to the spiritual needs of the emigrants who were coming into the South occupied his mind at this time.

Resolutions for a more active cooperation were again passed, but the Bishop's experience with his flock gave him little hope of seeing them carried out. He decided to end the State Conventions and create one general Convention for the Diocese. The first of these meetings was held on November 17, 1839, with representatives from all the chief cities of the three States.

The delegates now seem to have taken up seriously the problem of providing suitable accommodation for seminary training, and at the Second Diocesan Convention, held on November 8, 1840, Dr. England was able to announce a marked increase in the number of students. His two Roman students, Dr. Lynch and Dr. Corcoran, were soon to return, and with their help the prospects for the seminary seemed brighter.

The development of the diocese depended almost solely upon the success of the seminary in recruiting the ranks of the clergy. That success was never satisfactory. The creation of new districts, congregations, churches and stations had to go hand in hand with the supply of the clergy. Dr. England's stand on the inadvisability of accepting ordained priests from Ireland was a just one for the times. To secure a native clergy, however, he was not unwilling to receive young men who had partly completed their philosophical or theological studies in Ireland. He believed that with a certain amount of training in the Charleston seminary, he would be able to initiate them into American thought and customs. It is difficult to say how many young men applied for incardination into the diocese. In the Charleston Diocesan Archives there are a number

of *Exeats* from Irish bishops, dated from 1821 to 1840. Only six of the young men mentioned in these official papers of domiciliary release finished their studies in the Charleston institution and were accepted into the diocese: Fathers Sullivan, McCool, Bermingham (Timothy), Hayes, Murphy, Magrath, Byrne (Dominick) and Burke. With the exception of McCool, who left in 1835; Hayes, who died in 1835; and Dominick Byrne, who died in 1837; the others were laboring in the diocese at the time of Bishop England's death.

Besides these young men from Ireland and the American aspirants to the priesthood, some of whom succeeded, there passes across the pages of Charleston's diocesan history an uncommon number of priests who came and quickly went because their courage was not equal to the heavy tasks of the missionary life in the Carolinas and Georgia. Statistics before 1834 are not reliable. In 1821, Bishop England had five priests, two of whom he brought with him from Ireland. The figures given by Dr. England in his letter to Petit de Villiers (1829) tell a tragic story of unrealized hopes.

The statistics, gathered from the *Metropolitan Catholic Almanac*, are as follows:

1

	1834			1836			1838			1840			1842		
	N.C.	S.C.	GA.	N.C.	S.C.	GA.	N.C.	S.C.	GA.	N.C.	S.C.	GA.	N.C.	S.C.	Ga.
Congregations	9	6	5	8	12	11	9	17	13	15	24	19	13	30	22
Priests	3	7	5	2	8	5	2	7	5	3	8	7	4	10	7

2

	1834	1836	1838	1840	1842
Total Congregations in Diocese	20	31	39	58	65
Total Priests in Diocese	15	15	14	18	21

Some of the Charleston clergy during the twenty-two years of Dr. England's episcopate deserve more than a passing mention. Fathers Robert Browne and Simon Felix Gallagher who figure so prominently in the score of years before Bishop England's coming, are familiar to the reader. Neither priest was dependable after the creation of the See. Gallagher died at Vicksburg in 1830, and Browne died in 1839 as Pastor of St. Mary's, Charleston. Father

James Wallace has also been mentioned in these pages. Father Andrew Byrne, who was ordained by Bishop England in 1827, left the diocese in 1836, and was a pastor in New York City until 1844, when he was consecrated first Bishop of Little Rock. He died in 1862. Father John Barry came from Ireland about 1822 and was ordained by Bishop England in 1825. In 1839, he was appointed vicar-general of Georgia. He became the second Bishop of Savannah in 1857 and died two years later. Father Patrick N. Lynch was born in Ireland in 1817. With his parents he came as a boy to Cheraw, South Carolina, and entered the Charleston Seminary. He was the first priest of the diocese to be sent to the Propaganda, Rome, where he was ordained in 1840. After the death of Bishop Reynolds, he was elected third Bishop of Charleston, was consecrated in 1858, and died at Charleston in 1882. To these names should be added that of the illustrious Monsignor Corcoran, a native of South Carolina, who was Bishop Lynch's companion at Propaganda, but who did not return to Charleston until after Bishop England's death. Dr. Corcoran died at St. Charles Seminary, Overbrook, Pennsylvania, in 1889. Father Joseph Stokes who was a missionary in Charleston (1825-1835) and several other dioceses, died at Saratoga in 1854. But the name which stands out more prominently among the Charleston clergy of Bishop England's day is that of Father John McEncroe, who was destined to become a great leader in the Church of Australia. Father McEncroe was born near Cashel in Ireland in 1795. He was ordained to the priesthood in 1820, and came to Charleston as a missionary in 1825. Here he labored for seven years, when he was obliged to return to Ireland, broken in health. In 1832, he set out for Australia, landing at Sydney on August 17, of that year, and died there in 1868. Father Richard Swinton Baker, was born in Kilkenny, Ireland, in 1806. Converted to the Catholic Faith as a boy, he came to the United States in 1827, and after finishing his studies at the Charleston Seminary, was ordained by Bishop England in 1829. From this date he was Dr. England's closest friend in the priesthood, was administrator of the diocese during the bishop's absences, vicar-general of the diocese after Bishop Clancy's resignation, and administrator during the interim between Dr. England's death and the coming of Bishop Reynolds.

The last chapter in the history of the diocesan development was a brief one. Early in 1841, Dr. England was preparing to leave for Ireland to make another appeal to the generous Catholics of that land for assistance. He announced his departure to Archbishop Eccleston, on April 20, 1841.[20] A year later he was dead. He reached Charleston on December 9, 1841, and after a lingering illness died on April 11, 1842. During the interim (Bishop Reynolds, his successor, was consecrated on March 19, 1844) serious efforts were made by Father Baker, the administrator, and by Dr. Lynch to revive interest in the seminary. As chairman of a special committee for this purpose, Dr. Lynch published in the *Miscellany* for February 11, 1843, an appeal to the faithful of the diocese:

> It is not necessary to enter here on a statement of the many reasons which render the existence of the seminary of primary importance to the Catholics of the Diocess of Charleston. This topic has often been forcibly and eloquently urged on your attention. Without a Seminary your missions would be destitute of priests, yourselves of the Sacraments, and the consolations of Religion, even in your dying hours. It would be almost an idle dream to imagine that you could procure from abroad a sufficiency of such clergymen as your love and zeal for the honour of your Holy Religion lead you to desire. What is it this Diocess could offer to bring them hither? The greater glory of God? The harvest of souls is far more abundant elsewhere. Less worldly discomforts? Such a provision as would permit them to devote all their thoughts and energies to their holy ministry, undisturbed by the harrassing distraction of seeking to provide for their worldly necessities? Your missions scarcely supply their few and scattered missionaries with the simplest necessaries of life. Toils, fatigues, disgusts, penury, sickness, death or premature old age, often without the chief consolation of gathering an abundant fruit from his labours, apart from which all other consolations would be to him valueless—this is what would be offered to the missionary in the Diocess of Charleston. Think you, it would be always easy to obtain from abroad pious and learned clergymen for posts like these, when other places earnestly seek them, offering a prospect of infinitely greater recompense for their fatigues. You might indeed obtain those that would not be desirable elsewhere. But would you rest satisfied with such?
>
> To ensure therefore a fitting clergy for our diocess, *the*

[20] BCA—Case 24—T10.

Seminary must be upheld. From a consideration of the affairs of the Diocess during the last year your committee are forced to add, *It must be upheld by ourselves;* else it must soon fall. Had it not been for the aid providentially sent us from Baltimore and elsewhere, it might ere this have been closed. Your committee trust the seminary will not again through the negligence of this Society be permitted to fall into such embarrassments.[21]

When Bishop Reynolds took possession of the See of Charleston two years after Dr. England's death, he found diocesan conditions in general in an alarming state. Dr. Lynch might say of the dead prelate "his was the strong arm of the pioneer in the mighty forest," but Dr. Reynolds' open letter to the clergy of the diocese on January 15, 1846, had the unintended effect of offending many of Bishop England's friends, and the days of the seminary were numbered.[22] Doctors Lynch and Corcoran and Father Hewit attempted the establishment of a classical school in March, 1847, but it was not successful, and in 1851 the institution came to a definite end.[23]

A fairly accurate summary of the progress of Catholicism in the diocese during Dr. England's episcopate is found in the *Metropolitan Catholic Directory* for 1842. This little volume has become scarce, and it may not be amiss to repeat here the statistics it contains:—

DIOCESS OF CHARLESTON

The Diocess of Charleston, which comprises North and South Carolina and Georgia, was established on the 12th of July, 1820. It is now under the charge of the Rt. Rev. John England.

I. Churches and Clergy.

Rt. Rev. John England, D.D., *Bishop of Charleston.*
Very Rev. Richard S. Baker, *Vic. Gen.*
Rev. Timothy J. O'Sullivan, *Secretary*

1. South Carolina.

Under the Patronage of St. John the Baptist.
Charleston, Cathedral of St. Finnbarr—V. Rev. R. S. Baker, *Pastor.* Rev. T. J. O'Sullivan, *Assist.*

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[21]Vol. XXII, p. 254.
[22]*Miscellany,* vol. XXV, pp. 222-223.
[23]O'Connell, *Catholicity in the Carolinas and Georgia: Leaves of its History,* p. 150.

St. Mary's, (Annunciation,) Hassel st.—V. Rev. R. S. Baker, *Vicar;* Rev. Wm. Burke, *Assist.*

Charleston Neck, St. Patrick's—Rev. Patrick O'Neil, *Pastor.* Rev. Michael M'Grath, Rev. Patrick N. Lynch, are general assistants for the city and its vicinity. In the above church on Sundays and holydays, the communion mass is at 7 A.M.; the high mass and sermon at 10½ A.M.; vespers at 3½ P.M. in winter, and at 4, or 4½ P. M. in summer; catechism for white children at 9 A.M., for colored children after vespers; daily mass at 7 A.M.

In summer, mass is generally supplied on Sundays at *Summerville,* about twenty-five miles distant on the railroad, and at *Sullivan's Island,* at the entrance of the harbor.

Colleton District, St. James. The pastor of St. Patrick's church, Charleston, visits the church of St. James, and four other stations in the districts of *Beaufort* and *Colleton,* four times a year. Due notice of the visits is previously given.

Columbia, Richland District, St. Peter's—Rev. Timothy Bermingham, *Pastor.* High mass, sermon and vespers on Sundays and holydays. Catechism at 9 o'clock, A. M.

The Rev. James Wallace occasionally assists the pastor of St. Peter's; visits the Catholics at *Newberry District,* thirty miles distant, thrice in the year; those of *Fairfield District* as often; those of *Lexington* as often; at *Orangeburg* more frequently; also the camps on the lines of railroad construction from Branchville to Columbia, in all six stations, some of them once in three weeks.

Sumter District, BVM. of the Assumption—Rev. J. F. Gifford, *Pastor.*—P. O. Sumterville.—Mass on Sundays at 10 o'clock. Attached to this is the district of Kershaw, for which a church is now being erected in the town of Camden. The pastor visits it monthly, and officiates in a private house.—Also the district of *Chesterfield,* the few Catholics of which are attended in Cheraw thrice in the year. There is another station more to the south-east in Sumter District, making in all three stations.

The few Catholics in *Lancaster, Union, Chester, York* and *Spartanburg,* are occasionally visited by the Rev. T. J. Cronin, missionary for this region and the south-western region of North Carolina.

The station at *Aiken* and the church of St. Andrew at Barnwell, are visited, the former four times, the latter twice in the year, from Augusta, Geo. The station at

*Edge*field is also visited once or twice in the year from Augusta, and that at Abbeville twice in the year from Locust Grove, Geo.

2. North Carolina.

Fayetteville, Cumberland Co., St. Patrick's, } Rev. Thos. Murphy,
Raleigh, Wake Co., St. John the Baptist, } *Vic. For. P.* who attends these places every other month. High mass, sermon and vespers. He attends also the station at *Halifax*, two or three times in the year, and is assisted by Rev. P. MacGowan, who is stationed at Raleigh.

Washington, Beauford Co., St. John the Evangelist's—Rev. Ed. Quigley, *Pastor*, who attends this place and *Newbern* every other month. At Newbern a church is now being built under the invocation of St. Paul the Apostle. The same clergyman visits the stations of *Edenton*, Chowan Co., *Plymouth*, Washington Co. and *Greenville*, Pitt Co.

The counties of *Lincoln*, *Rowan*, *Mecklenburg*, and the others west of the Yadkin river, together with a portion of South Carolina, are served by Rev. T. J. Cronin.

Wilmington, New Hanover Co.—Attended four or five times a year from Charleston.

3. Georgia.

Augusta, Richmond Co., Holy Trinity—Rev. John Barry, *Vic. For. Pastor*. Communion mass at 7 A. M.; high mass and sermon at 10½; vespers at 3½ P. M., on Sundays and holydays. Catechism on Saturdays. Several stations in South Carolina are visited from this place.

Savannah, Chatham Co., St. John the Baptist—Rev. Jeremiah F. O'Neil, *Pastor*. Communion mass at 7 A. M.; high mass and sermon at 10½; vespers at 3½ P. M. Catechism at 9 A. M. A station at Cockspur Island at the entrance of the river, is attended from this place.

Locust Grove, Warren Co., BVM. of the Purification—Rev. P. Whelan, *Pastor*. Mass with sermon three Sundays in the month, at 10½ A. M. Catechism before mass.—P. O. *Double Wells*, Talliaferro Co.—The stations belonging to this place are, *Washington*, Wilks Co., where a church is being built under the invocation of St. Patrick, and mass is celebrated one Sunday in the month; *Crawfordville*, Talliaferro Co.; *Athens*, Clark Co. and one in South Carolina.

Columbus, Muscogee Co., SS. Philip and James—Rev. Thos.

Moloney, *Pastor*. Mass on Sundays and holydays at 10½ A. M.

Macon District, extending from Flint river on the west, to the eastern boundary of Baldwin and Washington Counties, and north to the southern line of the counties of Fayette, Henry, Newton, Jasper, Putnam and Hancock, is attended by Rev. James Graham.

Cherokee District, in the north-western section of the State, comprising five or six stations, is visited by Rev. Gregory Duggan, *Missionary*.

South-Eastern District,—Rev. Andrew Doyle, *Missionary*. He attends the stations at *St. Mary's*, Camden Co., *Jekyll Island* and *Brunswick*, Glynn Co. and *Darien*, Mackintosh Co.

II. Ecclesiastical and Classical Institutions.

1. Seminary of St. John the Baptist.

In which the small number of candidates necessary to sustain the missions of the diocess are educated. The present number of students is nine, who are taught by Very Rev. R. S. Baker and Rev. P. Lynch, and superintended by Rev. T. J. O'Sullivan.

2. Society of St. John the Baptist, Charleston, S. C.

The Society of St. John the Baptist is a voluntary association, which creates by subscriptions and donations a fund to aid in the education of candidates for orders, and for supplying very poor and extremely destitute missions. There are branches in Augusta, Savannah and Locust Grove.

3. Society of Ladies in Aid of the Seminary, Charleston, S. C.

This is an association of ladies, who contribute by subscription and labour, to supply and keep in repair the bedding and furniture of the seminary.

4. Asylum for Aged and Infirm Clergymen.

The clergymen of the diocess have by their own voluntary contributions created a small fund, for the basis, it is to be hoped, of a larger one; and which, it is to be expected, will be increased by the contributions of the laity, for supporting aged, infirm, or destitute clergymen.

5. Day School for boys, at Charleston, in which an extensive course of classical education is carefully taught. Rev. Michael Magrath, *Principal*.

III. Convents and Female Academies.

1. Convent and Female Academy of the Ursulines. Charleston, S. C.

Rev. Mother Mary Borgia McCarthy, *Superior.*
Mother Mary Francis Moloney, *Assistant.*

This commmunity consists at present of five professed nuns, and has been incorporated by the Legislature of South Carolina.

They at present will receive only twenty boarders, and thirty day-pupils, which numbers are generally full.

2. Convent and Female Academy of the Sisters of Our Lady of Mercy, Charleston, S. C.

Sister Aloysius M'Kenna, *Superioress.*

The present number of sisters is seventeen. They can accommodate twenty-five boarders and as many orphans. At present they have eighteen of the former and twelve of the latter. Their day-school has upwards of sixty pupils, and in the poor-school there is about half that number of scholars.

Children who are under eight years of age, pay for board and tuition $125 per annum, quarterly, in advance. In the day-school the terms are those which are usual in the city.

IV. Charitable and Religious Institutions.

1. Hospital of the Society of Working Men, Brotherhood of St. Marino, an association of upwards of one hundred respectable, well conducted mechanics and laborers, who support this hospital for their own benefit by stated contributions. This establishment is attended by the Sisters of Mercy.

2. Orphan Asylum, at the establishment of the Sisters of Mercy, in Charleston, which supports 12 orphans.

3. Free School for Girls, conducted by the same sisters, in Charleston.

4. Free School for Boys, at Charleston, in which 30 pupils are admitted.

5. Temperance Societies have been established at *Savannah, Augusta,* and in the districts of *Locust Grove* and *Macon,* and are attended with the happiest results. One-half of the congregation at *Savannah,* which numbers between eight and nine hundred Catholics, have taken the teetotal pledge.

V. Recapitulation.

Churches,	14
Churches building,	3
Other Stations,	47
Clergymen on the mission,	20
Ecclesiastical Institutions,	4
Clerical students,	9
Female religious institutions,	2
Female academies,	2
Charitable institutions,	4
Temperance societies,	4
Catholic population,	7,000

This was Bishop England's legacy to his successor. After twenty-two years of unwearied labors both at home and abroad for the Faith in the Southland, the result in the eyes of the world was meager; pitifully so. But John England's spirit lived on during the score of years that intervened before the heart-breaking catastrophe of the Civil War occurred; and in spite of the unfortunate two years' delay in appointing his successor, his work remained steadfastly constructive in all its details. He was one of the master-builders of the House of God in the New World.

CHAPTER XVIII

Bishop England and the Church in Florida

(1822-1832)

Bishop England has entered in his "Diurnal" under date of July 10, 1822, the following note:

> I received a letter from the Bishop of Havannah, stating it to be out of his power to attend to East Florida, and requiring me to look after it, as being the nearest Bishop. The Bishop of New Orleans had taken possession of West Florida. The Attorney of the District of the United States had written to me that the Church, etc., was the property formerly of the King of Spain, and was now consequently that of the United States, and at the disposal of the President. In consequence of which I wrote to the President, claiming the Church for the Roman Catholics, and succeeded in obtaining an Order for its presentation to them.[1] The Revd. Michael Crosby, the former clergyman, having died, his Coadjutor, Revd. Mr. Gomez, remained in charge of the place.

About a year later (March 10, 1823), another entry is made in the *Diurnal*:

> I received a letter from the Right Revd. Doctor Du Bourg stating that the Floridas were in his jurisdiction, giving me Vicarial powers for East Florida and requesting me to have care of it. I also received a letter stating that the Revd. Mr. Gomez, who had been at St. Augustine, was obliged to leave it

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[1]In the Shea Collection (Georgetown College Archives) there is a document without date or signature entitled *Petition of the Catholics of Saint Augustine, East Florida, to the President and Congress of the United States for the Restitution of their Church Property.* The fifth article of the twenty between Spain and the United States (1819) secured to the Florida Catholics all civil and religious rights under the American Constitution. The Catholics of St. Augustine held legal title to the parish church, the cemetery, the school, the Bishop's house, the Church of Our Lady, and the Franciscan Convent. These had been sequestrated by the territorial authorities, and the Catholic Petition says: "Your petitioners state most respectfully, yet in the most explicit terms, that they can view this spoliation of their church property in no other light than a lawless attempt at their liberty as free citizens of the United States and a violation of the solemn treaty of 1819 by which two great nations pledged their honor and their faith as a security for the religious privileges of Catholics." (Cf. *Researches,* vol. 13, pp. 15-16). Nothing was found in the State Department in Washington on this transaction with Bishop England.

on account of ill health and requesting a Pastor, but I had not one to send.

Beyond these facts a careful search had revealed to him no further information of the sad ending of this once glorious portion of the American Church.

"Florida" was part of that vast ecclesiastical system which had grown out of the original jurisdiction of the Church in far-off Spain, with archiepiscopal Sees in Mexico, San Domingo and Peru. The erection of the See of Santiago de Cuba in 1522 as a suffragan to San Domingo gave to the Cuban diocese spiritual jurisdiction over practically the whole of the present United States; since to the Spanish crown, to the explorers and early settlers, Florida meant an indefinite stretch of country from the Gulf of Mexico to Newfoundland. It was geographically equivalent, as Bourne points out in his *Spain in America*, to the eastern half of the present United States. Gradually, as the northern English settlements were begun and as English and French colonial governments were set up, these vast claims were forced into narrower geographical limits.

For over a half-century, the shadow of Jamestown had fallen athwart the land that lay between Virginia and Florida. The permanent settlement of Charleston in 1670 was the prelude to a long series of disasters that were to overtake the old Spanish Southeast during the next hundred years. From 1670 until the end of the French and Indian War (1763), English colonists and traders steadily encroached upon the Spanish settlements in Orista (South Carolina) and Guale (Georgia). With the conquest of Orista, Guale lay open to the advancing Britons. Pirates and Carolinians, "who were not entirely distinct", as Bolton says, relentlessly attacked the Catholic missions and the outposts to the south and southwest; and thus step by step, both along the coast and in the back-country, the Spanish-American frontier fell back, until it was within easy distance of the city of St. Augustine (1702-03). The Yamassee revolt of 1715 stayed the British advance for a time; but it emphasized to the Carolinians and to the home government the need of a buffer colony between the English and Spanish settlements. For a decade and more after the coming of Oglethorpe's Georgia colony (1733), an effort was made by England and Spain

to respect a strip of neutral territory, the "Debatable Land".[2] Frontiersmen on both sides, however, refused to recognize this no-man's land; and eventually Spain's futile intervention in the Seven Years' War cost her the loss of all her American territory east of the Mississippi.

The history of the long and inevitable struggle between England and Spain for the control of the Atlantic coast plain is much better known today than a decade ago. Fresh sources for this history have been discovered, and we are today in possession of a wealth of documentary material for the Catholic missionary efforts in Florida during the sixteenth, seventeenth, and eighteenth centuries. There are many martyred priests and lay-brothers in the history of Florida. In fact, that history is largely one of saintly and learned missionaries who braved the dangers of the swamps and the rivers and the perils of Indian and English hatred to bring the Faith to these parts of the colonial empire of Spain. Within recent years, the mission ruins along the coast, some of them over three hundred years old, have been seriously studied by historical scholars, and gradually the martyrology of these centuries is being brought to light.[3]

Probably the earliest of these victims for the Faith was the friend and companion of Las Casas, the Dominican Father Luis Cancer de Barbastro, who was slain at Tampa Bay with two other priests of his Order in 1549, and to whom is given the title: Proto-Martyr of Florida. Apparently no further effort at missionary work was attempted until Menendez in 1568 brought out five Spanish Jesuits, among whom was Father Peter Martinez, S. J., the Proto-Martyr of Georgia. A Vice-Province of the Society of Jesus established for Florida in 1570 lasted only a short time. An Indian uprising scattered the missionaries, and Father Segura, the Vice-Provincial,

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[2]Bolton, *Arredondo's Historical Proof of Spain's title to Georgia.* Berkeley, Calif., 1925. The Introduction to the volume has been published separately as *The Debatable Land,* under the joint authorship of Dr. Bolton and Mary Ross. Cf. Ross, *The Restoration of the Spanish Missions in Georgia,* in the *Georgia Historical Quarterly* for April, 1926.

[3]An excellent account of these early victims for the Faith is in the articles by Rev. John T. Glodt, entitled *Our Florida Martyr Priests,* in the *Ecclesiastical Review,* for November and December, 1923, (Vol. LXIX, pp. 498-520, 614-631), where references to the original sources will be found.

and his little band withdrew to Virginia, where tradition says they were all martyred on the banks of the Rappahannock.[4]

The Jesuits were followed by Franciscans, who came in 1573 to Santa Elena (Port Royal).

> Most of their work [Bolton says], centered around San Augustine. Part of them went to Guale only to be driven out or slain. But the friars held on. Churches were built in the principal towns. . . . On the southern coast San Pedro (Cumberland Island) became an important missionary center, where Father Baltasar Lopez won fame. But the hero of all this early Franciscan period was Fray Alonzo Reynoso. Devout, gentle, tireless, zealous, his figure, though shadowy in the distance, still looms large and strong. He was a sixteenth century Serra on the Atlantic coast.[5]

Barcia's *Ensayo Cronológico* gives us the names of the Franciscans who came to Florida up to the year 1722. Among these are five Franciscan martyrs who were slain during a Yamassee uprising in 1597. In 1612, the Franciscan Province of Santa Elena was erected with a resident Provincial in Havana; and from this date down to the end of the first Spanish period of Florida history (1763), the missionary efforts of the *Padres* were closely interwoven with the civilizing activity of the Spanish colonial government; so much so, in fact, that it is difficult at times to distinguish the political and religious history of Florida during these years. At one time mission stations with chapels and residences were to be found along the coast from about the present site of Charleston to San Augustine, in the recesses of the country to the Appalachian range, and thence south to the Gulf.

The worst blow that befell the Florida missions came in that fiery decade with which the eighteenth century opened, when the Carolinian Governor Moore annihilated these Catholic centers with a cruelty which has few parallels in American history. "History has few examples of the slaughter of the population of as vast a territory as that devastated by Moore. It was a complete annihila-

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[4]Cf. *The Martyrs of the Rappahannock*, by E. I. Devitt, S. J., in the *Records* (ACHS), vol. XIX, pp. 1-17; Astrain, *Historia de la Compañia de Jesus etc.*, vol. II, pp. 295-298, 640-644. Madrid. 1905; Hughes, *History of the Society of Jesus in North America*, Text, vol. I, p. 143. Cf. Shea, *The Log Chapel on the Rappahannock*, in the *Catholic World*, March, 1875.

[5]*The Debatable Land*, p. 14.

tion of entire tribes or nations of Indians. . . . Torturing, mutilating, burning at the stake of thousands of men took place during the space of two years, and this because they were Catholics. There was no distinction of priest, white colonist, or Indian."[6] Moore's butchery of seven Franciscans was so horrible that Shea can find nothing to equal it except the Jesuit martyrdoms in the Huron country.[7]

Gradually the veil so carefully drawn by many local historians over the atrocities of Moore is being lifted and we understand better the cause for the collapse of Catholic life in this once promising territory. For a time there was question among Spanish Church officials of abandoning Florida altogether. In 1721, a final attempt was made by the Spanish crown to obtain a treaty of peace between the Carolinas and Florida; but with the founding of Georgia already agreed upon, it was not to the advantage of the English to cease the guerilla attacks against the Catholic settlements to the south. Only in 1763, when Florida became an English possession, were more definite boundaries settled. This same year the two provinces, East and West Florida, were created by royal proclamation. The rest of Florida's political history runs swiftly. Within twenty years England ceded Florida back to Spain (1783), and the territory remained subject to the Spanish Crown until the treaty of February 22, 1819, when Spain agreed to American occupation.

It was shortly after the final withdrawal of the Spanish authorities (1822) that Dr. England was asked by the Bishop of Havana to assume the spiritual direction of East Florida. An interesting chapter in American ecclesiastical history lies back of this request.

An outstanding factor of Spanish colonial history is the absence of neglect in all matters touching the civil and ecclesiastical life of Spanish possessions. The See of Santiago was no exception to this general rule, and all through the seventeenth and eighteenth centuries there are evidences of the conscientious care taken by the

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[6]Glodt, *ut supra*, p. 625.

[7]Shea, *op. cit.*, vol. I, p. 463. For further details of Moore's ruthless campaign, cf. *The Debatable Land*, p. 60. Verner W. Crane in *The Southern Frontier in Queen Anne's War* (*Amer. Hist. Review*, vol. XXIV, pp. 386 ss.), presents documents which accentuate the French aspect of Moore's invasion, as well as the fear of attack by the Creeks. Cf. Fairbanks, *History of Florida*, p. 174. Philadelphia, 1871.

Cuban bishops of their flock on the American mainland. After 1565 the Bishops of Santiago regarded Florida as constituting the Parish of St. Augustine. The Friars who came to the Florida missions were under the jurisdiction of their superiors in Spain and were safeguarded by ecclesiastical privileges which had been granted for the purpose of facilitating the progress of religion. One of these privileges was that they were exempt from the jurisdiction of anyone except the Bishop of Santiago himself or an official of their own Order subdelegated by Santiago. In itself this right or privilege was based upon a royal *cedula* of 1595, and was granted as the result of certain concessions given to the Franciscans in 1522 by Pope Adrian VI. Owing to the distance separating them from the Bishop of Santiago and their own superiors in Spain, the Friars were permitted to elect their own superior for the American missions. To this superior was granted a power of jurisdiction practically equivalent to all episcopal functions except Ordination. A confirmation of this privilege by Pope Paul III in 1535 made the Friars in Spanish America fairly independent of episcopal jurisdiction.[8]

The first authentic episcopal Visitation to Florida was that made by Bishop Juan de la Cabezas de Altamirano in 1606.[9] Bishop Cabezas was born in 1561, entered the Order of St. Dominic, and came out to America in 1592, with the Dominican Provincial, Father Luis de Cuadra. Some years later he became provincial of the Order in Hispaniola, and while on a visit to Rome (1601) was made Bishop of Santiago de Cuba. "From the time of his arrival in the Island of Cuba, the needs of the Church of Florida attracted the keen eye of this truly apostolic prelate. . . . None of Cabezas' predecessors had had the courage to attempt a visit to that province of Spain."[10] It was a hazardous journey from Cuba to the main-

[8] *Diocesan Organization in the Spanish Colonies*, by Edwin J. Ryan, in the *Catholic Historical Review*, vol. II, pp. 141-156; vol. IV, pp. 170-185. The principal source for this part of Florida's history is Barcia's *Ensayo Cronológico para la Historia General de la Florida. Desde el Ano de 1712.* Madrid, 1723.

[9] On the question of the alleged appointment of Father Juan Juarez O. F. M., as Bishop of Florida in 1527, cf. *Florida's First Bishop*, by Zephyrin Engelhardt, O. F. M., in the *Catholic Historical Review*, vol. IV, pp. 479-485. Cf. Barcia, *Ensayo*, p. 9. Clarke (*Lives of the Deceased Bishops of the Catholic Church in the United States*, vol. I, pp. 21-31) treats Juarez as a bishop.

[10] The documents for this Visitation will be found in the original and in

land in those days, and Cabezas was obliged to fit out two ships at his own expense for the voyage. He arrived at St. Augustine in March, 1606, remained about four months, sending from St. Augustine on June 24, 1606, his detailed report of the spiritual conditions of Florida. This was probably the first time that episcopal functions were performed within the present limits of the United States.

The Bishops of Santiago had not forgotten their duty towards this distant part of their diocese. We have evidence of official Visitations made in 1616 by Father Luis Jeronimo de Ore, a Franciscan, and by Father Juan Pizarro, also a Franciscan, in 1673. There had even been some attempts between these two dates to secure a bishop for Florida.

The outstanding Visitation of the seventeenth century is that made by Bishop Calderon in 1674.

> This was the most thorough inspection the Church in Florida experienced in all the Spanish portion of her career, and it is not astonishing when we consider the character of the man who made it. He was the most energetic prelate who ever ruled the Diocese of Santiago, and he found abundant opportunity for the exercise of his zeal in this outlying part of his diocese. Coming under the escort of Spanish-war-vessels, he landed in St. Augustine on the twenty-third of August, 1674, and spent the following eight months journeying through the length and breadth of this extensive territory. Nothing escaped him; he penetrated even into what is now South Carolina, seeing with his own eyes every church and religious establishment of any kind, administering Confirmation to more than thirteen thousand persons, conferring Minor Orders (for the first time in the present United States), distributing in alms over eleven thousand dollars at a time when his revenue from Florida was about four hundred, establishing new mission centres and issuing some important legislation. So energetic and determined was he that an attempt was actually made to poison him. New life was infused into the Church, but to sustain it without a resident bishop was impossible, and some years were still to pass before that happy consummation was to be realized.[11]

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translation in the *Catholic Historical Review*, vol. II, pp. 442.459, from the pen of Victor O'Daniel, O. P., who likewise furnishes a commentary: *Right Rev. Juan de las Cabezas de Altamirano, the first Bishop to visit the present territory of the United States* (1562-1615), *ibid.*, pp. 400-414.

[11]Ryan, *ut. supra*, vol. IV, p. 173. Cf. *Hispanic American Historical Review*, vol. III, no. 3, August, 1920.

Owing to the danger of discord between the See of Santiago and certain difficult spirits among the Franciscans, it was finally decided that an auxiliary-bishop should be named for the Cuban See with permanent residence in Florida. Bishop Rezíno was accordingly consecrated at Merida in Yucatan in 1709. Rezíno died in 1711, and his successor, Bishop Tejada, was not appointed until 1735. Florida needed an energetic prelate like Tejada, since the missions were still suffering from the fearful disasters of Moore's invasion. Bishop Tejada remained in Florida for ten years and took an active part in the life of the colony. It was his dominating courage which inspired the successful defense of St. Augustine against the English in 1739. After Tejada's transfer to the See of Yucatan (1745), "a sad lustrum supervened for Florida. The constant menace of the English in the north had a disastrous effect on the Indian Missions; it would appear that there was little Christianity left in the region between St. Augustine and the new English colony of Georgia."[12] When Bishop Ponce y Carasco came in 1751, there was little he could do outside the city of St. Augustine. Four years later he departed for Cuba. The end of Spanish rule followed a short time afterwards (1763). Bishop Morello de Santa Cruz of Santiago was in Havana when the English captured that city, was carried off a captive to Charleston, and then sent to St. Augustine. He left soon afterwards for Cuba.

The Treaty of Paris which brought the Seven Years' War to an end, changed the colonial situation of the present United States. France relinquished the vast region of Canada and Spain ceded Florida to England. The territory to the west of the Mississippi was ceded by France to Spain. The territory east of that natural boundary became English domain. Florida was divided by royal proclamation in 1763, rather curiously, into East and West Florida. East Florida, included all the territory east of the Appalachicola River; and West Florida, the strip of land between this river and the island of New Orleans. In 1767, the western and northern boundaries of West Florida were enlarged by royal proclamation.[13]

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[12] *Ibid.*, p. 176.

[13] Cf. Channing, E., *The Jeffersonian System*, p. 54. New York, 1906; Cox,

There was a considerable amount of confusion about Florida between this date and 1782, when the articles of peace between the United States and England were being written. The southern boundary of the new Republic was placed along the thirty-first parallel from the Chattahoochee to the Mississippi. West and East Florida south of this line were ceded by the English crown to Spain, but without any boundaries being defined. The discussions which followed between the United States and Spain over this territory, led to the eventual occupation and cession of Florida to the United States.

During the English occupation of Florida (1763-1783), Catholic life in the territory almost disappeared.[14] A clause in the Treaty of Paris obliged the Spanish residents to sell their property to English settlers within eighteen months. Spaniards of social position withdrew from Florida, and their priests went with them. With the exception of some poor laborers, fishermen, and British Catholic soldiers, the only Catholics in and around St. Augustine during the twenty years of the English occupation were refugees of Turnbull's New Smyrna colony, which had been founded in 1767. Most of these settlers were from the island of Minorca, which had become an English possession in 1713, and were Catholics. They brought their own priests with them, Father Peter Camps and Father Casanovas. The presence of these Catholic Minorcans soon became known to the Bishop of Santiago, and the correspondence between the priests and the Bishop, which was discovered by Turnbull in

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West Florida Controversy, New York, 1913; Verner W. Crane, *Hints etc.*, in the *Mississippi Valley Historical Review*, vol. VIII, p. 367.

[14]"In direct violation of the treaty of Paris the Catholic inhabitants were at once subjected to vexations; the Bishop's house was seized for the use of the Church of England; the Franciscan Convent, inasmuch as it had the best well of water in the place, was seized for the use of the British troops, and extensive barracks erected on the old foundations, with lumber imported from New York. A general system of destruction was inaugurated. Of the suburbs of St. Augustine no trace was soon left, except the church in the Indian town to the north of the city, which the English converted into a hospital. The steeple of the Franciscan church stood out like a monument of the sacrilegious work, and the parish church was soon little more than a heap of ruins. The ecclesiastical property at Pensacola was no better respected, and as far as possible all trace of her ancient Catholicity was swept from the soil of Florida" (Shea, *op. cit.*, vol. II, pp. 90-91). Cf. Benedict Roth, O. S. B., *Brief History of the Churches of the Diocese of Saint Augustine, Florida*, pt. 1. St. Leo, Fla. 1923.

1774, was considered treasonable; as a result it is said that one of the priests, evidently Father Casanovas, was executed with several Minorcans. The unwillingness of Turnbull and others in command of the settlement to allow complete religious freedom to the Catholics of the colony eventually created dissatisfaction; and this, added to the tyranny practiced by Turnbull's overseers, eventually caused the exodus of the Catholic colonists to St. Augustine.[15]

It was during this period (1763-1783) that Spain assumed control of Louisiana, which then (1769) became a part of the Diocese of Santiago de Cuba. In 1772, the bishop of that See appointed a Capuchin, Father Cyril de Barcelona, vicar-general for the new Spanish province. In 1781, Father Cyril was consecrated auxiliary-bishop of Santiago with residence in New Orleans. Six years later, the Diocese of Santiago was divided, and Louisiana became part of the new See of Havana. Bishop Cyril continued as auxiliary to Havana in spiritual jurisdiction over Louisianna as well as over the Floridas, which had again become Spanish territory. Many English-speaking settlers had come to Florida during these years, and it was in order to minister to the Catholics among them that the Spanish crown made application to the Irish College of Salamanca for priests. Two Irish clergymen were sent to St. Augustine, Fathers Hassett and O'Reilly. These were followed by others during the next decade.[16]

The coming of these priests preceded the establishment of what was in all likelihood one of the largest dioceses at that time in the world, the Diocese of Louisiana-the Floridas, for which Bishop Luis Peñalver y Cardenas was consecrated in 1793. In a letter, now in the St. Louis Diocesan Chancery Archives, from Bishop Du Bourg to the Cardinal-Prefect of Propaganda (Baltimore, December 6, 1822), we learn that after the erection of the Diocese of Louisiana (April 27, 1793) Florida was added to its jurisdiction at the request of the King of Spain and with the consent of the Bishop of

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[15]Doggett, *Dr. Andrew Turnbull and the New Smyrna Colony of Florida.* Jacksonville, 1919.

[16]Among these were: Rev. Patrick Walsh, Vicar-General of the Diocese of Louisiana-the Floridas; Fathers Michael Crosby, William Savage, Mark Barry, Michael Lamport, Gregory White, Constantine Makenna, Michael Wallis, and others. (Cf. Shea, *op. cit.*, vol. II, p. 557). Father Peter Camps, the devoted and saintly pastor of the Minorcans, died at St. Augustine, on May 19, 1790.

Havana. The new Bishop arrived at New Orleans, his episcopal city, in July, 1795, and remained until 1801, when he was made Archbishop of Guatemala.

After the transfer of Bishop Peñalver and the subsequent cession of Louisiana to the United States, the Bishop of Havana, by order of the Spanish King, resumed as the nearest prelate jurisdiction over the Floridas. This was in accordance with the Concordat between the Holy See and the Spanish crown, which forbade any foreign ecclesiastic to have at any time jurisdiction over any part of the Spanish dominions. From this it would follow that Bishop Carroll, when he assumed jurisdiction over Louisiana as Administrator, had no juridical claim over the Floridas. At any rate, Propaganda's letter to Carroll (September 20, 1805) speaks only of Louisiana, and the Brief of April 6, 1808, giving Carroll the power of administration over the newly acquired territory, is likewise silent on the Floridas.

From 1801 to 1805, the Diocese was governed by Fathers Hassett and Walsh, appointed as administrators by Bishop Peñalver.[17] On October 1, 1805, Bishop John Carroll of Baltimore assumed jurisdiction as administrator.[18] How far that jurisdiction extended over East Florida was not then certain. Bishop Peñalver treated East Florida as part of his Diocese of Louisiana, since in his *Instructions* of 1795, he legislated for the parish of St. Augustine.[19] From 1805 to 1812 Archbishop Carroll endeavored to preserve order in this far-away portion of his jurisdiction by means of a vicar-general. On August 18, 1812, Father William Du Bourg of Baltimore was appointed Administrator-Apostolic of the Diocese of Louisiana.

Du Bourg's authority was disputed in Louisiana by the Capuchin Antonio de Sedella, parish-priest of the Cathedral of New Orleans. To settle this as well as other domestic problems, Father Du Bourg

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[17]Gams, *Series Episcoporum*, p. 54. It is interesting to note that Father Valentine, a Capuchin, the first resident pastor of St. Louis, Missouri, opened his Baptismal Register in June, 1773, with the title: "Pastor of St. Louis, in the Illinois County, Diocese of Santiago de Cuba." Cf. *Kirchengeschichte der Stadt unter der Erzdiözese St. Louis*, by F. G. Holweck, in *Amerika*, April 16, 1922. Peñalver had episcopal jurisdiction over practically half of the present United States and Canada.

[18]Guilday, *Carroll*, ch. xxxiv (*Carroll's Extra-Diocesan Jurisdiction*).

[19]The Statutes of 1795 are (Spanish and English) in the *United States Catholic Historical Magazine*, vol. I, pp. 417-443.

decided to go to Rome. He was convinced that the best solution would be the appointment of a bishop for the diocese. Propaganda agreed to the proposal and on September 24, 1815, Du Bourg was consecrated Bishop of Louisiana at the Church of St. Louis-of-the French in Rome. Two years later (September 4, 1817) he arrived in the United States. Of the grave difficulties which followed upon his return, nothing need be said at this juncture. When Florida was ceded by treaty to the United States on February 22, 1819, the Bishop of Havana relinquished his jurisdiction, and Du Bourg then extended his episcopal care to the whole of Florida as part of the Diocese of Louisiana.

During the years Bishop Du Bourg spent in Louisiana (1817-26), he endeavored in vain to organize his vast diocese upon a more efficient basis. Roughly divided, the Diocese of Louisiana-the Floridas consisted of four parts—*Upper Louisiana*, with St. Louis as its chief center; *Lower Louisiana*, with the city of New Orleans as its metropolis; the old *Mississippi Territory* (Northern Alabama and Mississippi), with Catholic congregations at Mobile, Natchez and other places; and the *Two Floridas*, with congregations at Pensacola, Tallahassee, St. Augustine, and smaller towns. Du Bourg's original idea was the creation of a second ecclesiastical province in the United States to embrace all the territory west of the Alleghenies, with a possible Metropolitan See at St. Louis. This plan, which had been broached in Archbishop Neale's day, was opposed by Maréchal.[20]

When Maréchal sent the first *Ratio* of his diocese to Rome in 1818, he urged the creation of a Vicariate-Apostolic for the South, to include the two Carolinas, Georgia, and the Mississippi Territory, with its episcopal See at Charleston. When this See was created in July, 1820, the new diocese did not explicitly contain what Maréchal inaccurately called the Territory of Mississippi,[21] the result being that the Diocese of Baltimore was split into two sections lying far

[20]Cf. Spalding, *Flaget*, pp. 249-253; *St. Louis Cath. Hist. Rev.*, p. 135 note. *Vide* Maréchal's letter to Propaganda, dated Baltimore, June 4, 1826, in the *Cath. Hist. Rev.*, vol. III, p. 181 (Prop. Arch., *Scritt. rifer., Amer. Cent.*, vol. 8).

[21]The Territory of Mississippi was created by the government in 1798. In 1816, Alabama became a separate Territory. Mississippi was admitted to the Union in 1817, and Alabama, two years later. Cf. Fish, *Development of American Nationality*, pp. 146, 164. New York, 1919.

distant from each other. This awkward situation was somewhat changed when Bishop Du Bourg was given vicarial jurisdiction over Mississippi and Northern Alabama.

The Bull for the erection of the See of Charleston is not in the official *Bullarium* of Propaganda Fide, but in Bishop England's letters the three States, North and South Carolina and Georgia, are given as constituting the new diocese, thus excluding Florida. The political situation between the United States and Spain had been changed by the cession of Florida in 1819. It had been recognized for nearly a decade of years that by the law of political gravitation, East and West Florida would quickly become the possession of the United States.[22] From the termination of the war of independence, the fate of Florida was sealed. Her geographical position made her an integral part of the United States and all efforts on the part of Spain to offset this inevitable outcome were useless. The Spaniards could make no progress there. The loyalists who had fled to Florida realized that it was only a question of time before the territory became American. The Indians were taking advantage of the mutual distrusts in the social and political life of the peninsula, and the peace of the southern border of the country was imperilled with Florida under an incompetent rule.

It must have been known in Rome for a long time that the Church in Florida was practically abandoned, owing to the problem of canonical jurisdiction between Havana and New Orleans. It is quite probable that the same Spanish influence which was attempting to play off Florida as a pawn to the United States in postponing the inevitable collapse of Spanish rule in the southwest, had its effect in Rome when Charleston was created a diocese. Be that as it may, had Florida been formally made part of John England's jurisdiction, it is certain that his efforts for that portion of the American Church would have saved the remnant of Catholic life in the peninsula.

The archives here and abroad for the six years that separate the coming of Bishop England to Charleston and the resignation of Bishop Du Bourg (1820-1826) are filled with letters between Rome

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[22]Babcock, *Rise of American Nationality*, p. 271. New York, 1906; Paxson, *History of the American Frontier (1763-1893)*, p. 185. New York, 1924.

and the chief episcopal centers of the United States, Baltimore, Charleston, New Orleans, Bardstown and St. Louis, and between the American bishops among themselves, on a problem which seems to grow more confused and obscure with each subsequent action of the Holy See. This problem was the efficient organization of the vast diocese under Du Bourg's jurisdiction, to which diocese was added in the mind of Rome the old Mississippi Territory west of the Appalachian range.

The only part of the program which interested Dr. England was the care of the Catholics in Florida. Bishop England had met many travelers from St. Augustine and was cognizant of the neglected conditions prevailing in Catholic life in that city. The apostolic zeal which had taken him all over his own diocese within a short time after his arrival prompted him to come to the aid of the Catholics of Florida.

In his first *Relatio* of the Diocese of Charleston, sent to Cardinal Fontana on April 14, 1821, he raised the question as to just what the Bull for the creation of the See meant by the word "Georgia": *Nescio quomodo Georgia intelligenda est*—whether it included Northern Alabama and Mississippi and part of Florida. Certainly old Georgia (*Georgia vetus*) meant a vague stretch of territory from the Atlantic to the Mississippi, and thence to the Gulf of Mexico. Dr. England suggested to Cardinal Fontana that an official ruling be made by Rome regarding the spiritual jurisdiction of East Florida, which he considered as abandoned by the Bishop of Havana. There were more Catholics in Florida at the time, he wrote, than in many of the States of the Union. The soil and the salubrious air of that State were attracting many Protestants from the North. Many of these were building churches and organizing their religious life, and hence something had to be done immediately for the Catholics. Bishop England added in his prudent way that he might be writing about a territory over which he had no charge, but he did not consider it officious to do so, since it was the Cardinal's duty to provide a remedy for a rising evil.[23]

The Sacred Congregation de Propaganda Fide was not unmindful of the impossibility Bishop Du Bourg faced in giving his per-

[23]Prop. Arch., *Scritt, rifer., Amer. Cent.*, vol 7, fol. 8.

sonal attention to the extensive territory included in the Diocese of Louisiana-the Floridas. As early as October 3, 1821, there is a letter from Cardinal Fontana to Du Bourg stating that for the third time the proposal is made to that prelate to divide his diocese into three parts, Upper Louisiana, Lower Louisiana, and the Floridas.[24]

If he consented to the division, then Propaganda wished to recommend to him as one of the two new bishops, Bishop Patrick Kelly of Richmond, whose diocese was shortly to be suppressed. Du Bourg replied (February 8, 1822), expressing his joy over the fact that the Floridas were to be withdrawn from his jurisdiction. He hoped that the new diocese would include also the State of Alabama and that the See chosen would be Mobile. He was not, however, favorable to the selection of Dr. Kelly.

Among the candidates considered for the new dioceses were Fathers Sibourd, then Vicar-General of New Orleans, Rossetti, Martial, Rosati, and Inglesi. This last candidate was eliminated by Propaganda's letter of September 22, 1821, which must have reached Du Bourg early the following year and which contained the unhappy facts of Inglesi's life in Rome and elsewhere.[25] Sibourd was eventually eliminated on account of his age and ill health, and Rossetti for serious mental illness. Martial had been too Cassandra-like in his letters to Rome to please the bishop, and it was evident that Rosati would be the choice of Rome for the new vicariate or diocese which was to be erected out of the Floridas and the territory north of these.

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[24]Prop. Arch., *Lettere*, vol. 303, fol. 499, printed in the *St. Louis Catholic Historical Review*, vol. II, pp. 147-148.

[25]Prop. Arch., *Lettere*, vol. 302, fol. 265, 415. The letter of September 22 is evidently lost or destroyed. Du Bourg had formally asked for Inglesi as his Coadjutor on May 3, 1821, and the revelation must have been a hard blow to him. It can well be taken as the beginning of his determination to resign the See of New Orleans. "Make known to the Cardinal Prefect," he wrote from Washington, D. C., on February 27, 1823, to Father P. Borgna, C. M., then assistant pastor of the New Orleans Cathedral, "by what artifices the notorious Inglesi magnetized me.....say that I acknowledge my mistake and deplore it; and that such is the confusion and the sorrow into which this sad disclosure has plunged me, that I have been several times tempted to beseech His Holiness' permission to retire in order that I may bewail this fault..... That if His Eminence decrees it fit to relieve me of a place, of which I made myself unworthy by such a great imprudence, I am ready to resign, and will be most thankful to him." (Printed in *St. Louis Cath. Hist. Rev.*, vol. III, pp. 123, 130-150).

Meanwhile, not having heard from Propaganda regarding the geographical limits of his jurisdiction, Bishop England wrote to the Sacred Congregation (May 2, and May 13, 1822). A reply came, dated August 24, 1822, saying that the matter was still under consideration, and that when it was settled, he would be informed. Bishop England's letter of May 13, as found in the *Atti* of 1822, was as follows:

> Concerning Florida and the adjacent territories I have already written to Your Eminence. Daily both from Catholics and non-Catholics who pass through this city on their way from Florida, are we told of the calamitous state of religion in that region, especially in the city of St. Augustine. While this territory was under Spanish control, the Catholic religion, in spite of the lives of the priests, was protected. But now since the worthy priests have left, those who remain are a grave detriment to the faith. They are not noted for their learning nor their zeal, nor their morals, and not infrequently are they a stumbling-block to Catholics and an object of derision to the non-Catholics. Religion will soon be a thing of the past there. I wrote to the Bishop of Havana about these things, but I have not yet received a reply, and certainly he is not able in any way to remedy the evil, since he has no priest who knows English well enough. The Spaniards have practically deserted St. Augustine, and the city is filled with the immigrants from the States.[26]

Bishop England then recommended the creation of a See at Pensacola and suggested as candidates Fathers Benedict Fenwick, S.J., O'Keefe, or Power. He says:

> Some time ago the Protestant ministers of Charleston, their bishop, and trustees, sent to St. Augustine a Protestant minister, Andrew Foliler [*Fowler?*], a man of keen judgment, who is now secretly trying to secure the Catholic Church property. He has misled many Catholics there. If the place is allowed to stay under the care of the Bishop of Havana, no care can be taken of the Catholics . . . . Bishop Du Bourg's diocess is so vast and St. Louis so far away, that he can never watch over these regions, since Florida, and especially the city of St. Augustine, are more than a thousand miles away from St. Louis; whereas my diocess, like most of the diocesses here, is much smaller, and religion is better protected. With a bishop at Pensacola, and a few priests in Florida, Alabama and Mis-

[26] *Atti* (1822), f. 295.

sissippi, there would be work enough and maintenance for all . . . . *Hostis jam intra moenia est.*[27]

Hence it was that on July 10, 1822, after the actual transfer of Florida to the United States, the Bishop of Havana withdrew his priests and wrote to Bishop England empowering him to take spiritual charge of East Florida. Bishop England, as we have seen, secured possession of the Church property in St. Augustine, but was unable to appoint a pastor at the time. On August 25, 1822, Father Simon Felix Gallagher asked for the parish and prevailed upon Bishop England to send him to St. Augustine. This England did, as he says in his *Diurnal*, "with the restriction that there should be no pews in the Church, and no lay trustees, and that all the Church property should be vested in me in trust for the use of the Clergy and the benefit of the Congregation." On November 20, 1822, we find in the *Diurnal* this additional note: "The Revd. F. Gallagher resigned the jurisdiction of Florida and requested his *Exeat*, as I was not able to pay him a larger sum of money than I could afford . . . . I gave Revd. S. F. Gallagher his *Exeat*, continuing his jurisdiction until after the Epiphany (January 6, 1823)". On January 12, 1823, Gallagher left for Havana by way of Charleston, and this ended his checkered career in the Charleston Diocese.

On July 1, 1822, at a General Congregation on American affairs, Propaganda took up Bishop England's letters for consideration and debated the following questions: (1) Whether the Bishop of Havana was to be advised not to interfere in the future in the spiritual concerns of Florida, since it was no longer to be considered as part of his jurisdiction; and (2) Whether the plan of Bishop England to erect a diocese out of Florida, Mississippi, and Alabama, with an episcopal See at Pensacola be adopted. The decision was reached in a meeting on December 3, 1822, that the Bishop of Havana's jurisdiction had ceased according to a decree dated April 25, 1793; that the Floridas be joined temporarily to a Vicariate-Apostolic of Alabama-Mississippi, to which Rosati was to be elected.[28] These meetings were held under the presidency of Cardinal Fesch, and it was in keeping with Fesch's attitude toward a bishop whom Maré-

[27] *Ibid.*, f. 548.
[28] *Ibid.*, f. 540, 683.

chal did not particularly favor, not to inform Dr. England of the decision Propaganda had reached.

The Vicariate of Mississippi-Alabama was created on August 13, 1822, and Father Joseph Rosati, C.M., of St. Louis was nominated Vicar-Apostolic. The tenor of the decree is clear: these States are too far away from Baltimore and St. Louis for Maréchal or Du Bourg to attend to them properly; the territory was within Maréchal's jurisdiction and he had freely acquiesced in the change. Rosati was named bishop *in partibus,* and on September 7 and 13, 1822, was informed of his election, as Bishop of Tenagra, *i. p. i.,* and told that while in Rome Maréchal had willingly abdicated his jurisdiction over the new ecclesiastical territory into the hands of the Holy Father. Nothing is said in these letters about Florida. That same day, Maréchal was informed by Propaganda of the action taken. The phrase used is: *quorum curam Amplitudo Tua* [Maréchal] *sponte dimisit.*[29]

Maréchal had left Rome before this action was taken, as is evident from his letter to Gradwell, dated Paris, September 25, 1822.[30] The Baltimore prelate told his Roman agent that he understood Du Bourg to be then in Europe and probably in Rome, and warned him that the New Orleans prelate had grandiose plans for the new dioceses. Maréchal would not oppose these plans, since the Diocese of Louisiana-the Floridas was not in the Province of Baltimore, but subject directly to the Holy See; but he would not permit any dismemberment of his own province, and he asked Gradwell to oppose any division of the Baltimore Archdiocese without his consent.

During the same week that Rosati's official papers were being sent, the Cardinal-Prefect wrote to Du Bourg (September 28, 1822) to say how delighted he was to obtain the latter's consent to the creation of the Diocese of Florida.[31]

The delay in the post across the Atlantic added to the confusion. All the bishops involved in the settlement of Florida (England, Du

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[29] *Ibid.,* fol. 684. The same phrase is used in the Brief of July 14, 1823. Cf. Souvay, *Rosati's Election to New Orleans,* in the *Cath. Hist. Rev.,* vol. III, p. 13.

[30] Prop. Arch., *Scritt. rifer., Amer. Cent.,* vol. 7, f. 27.

[31] *Ibid., Lettere,* vol. 303, f. 736. Printed in *St. Louis Cath. Hist. Rev.,* vol. II, pp. 216-217.

Bourg and the Bishop of Havana) were unaware at the time of the decisions taken. On October 29, 1822, Bishop England wrote to Propaganda, in reply to a letter dated August 24, 1822 (the first he had received from Rome since December 9, 1820), stating that Father Crosby had died at St. Augustine, that Father Gomez was leaving on account of ill-health, that he had received the Church property at St. Augustine from the United States authorities, and that he had sent a priest (Gallagher) to take care of the Catholics in East Florida.

Meanwhile, further confusion occurred. Du Bourg knew that Rosati was determined to refuse the episcopate, and accordingly he wrote to Propaganda (October 1, 1822) recommending Enoch Fenwick, S.J., for the Diocese of Alabama-the Floridas, with Mobile or Pensacola as the See.[32] Bishops Flaget and David urged the same solution of the problem on October 28, 1822. Maréchal returned to Baltimore in November, bringing with him Rosati's briefs for the Southern Vicariate, to which, as we have seen, Rome believed Maréchal had consented. Shortly after his return, however, the Archbishop wrote to the Holy See protesting against this dismemberment of his diocese. Added to Maréchal's protest was Rosati's refusal to accept the new Vicariate and Du Bourg's equally emphatic protest against the saintly Vincentian's removal from the "Barrens". Maréchal was, however, content to see Florida itself erected into a separate See, with Mobile as its center.

The American hierarchy knew by the end of the year 1822 of the plans for the new Southern diocese. It would appear that in the midst of all the difficulties created by these canonical adjustments, the Bishop of Havana had again appealed to Bishop England to care for the Catholics in Florida.[33] Moreover, Dr. England believed that there was no priest stationed anywhere in the State of Alabama, and accordingly wrote to Maréchal of the necessity of sending one to that territory; not a tactful suggestion to a prelate alert for any intrusion within his own jurisdiction. In December, 1822, we find Du Bourg writing to Rosati: "Truth to tell, I do not understand the decisions of Propaganda. To them it seems only

[32]Cf. letter of Du Bourg to Consalvi, Dec. 6, 1822, as printed in the *St. Louis Cath. Hist. Rev.*, vol. II, pp. 217-224.

[33]BCA—Case 16—M19 (Dr. England to Maréchal, Dec. 22, 1822).

necessary to appoint bishops and to send them, without inquiring whether there are any parishes to receive and support them and without providing any means for them for their work. What would you do as a bishop in Mississippi and Alabama, what would become of you there!"[34]

On December 6, 1822, Du Bourg wrote to the Cardinal-Prefect of Propaganda, protesting emphatically against the removal of Father Rosati from St. Louis:

> It is the downfall in all Louisiana of the Congregation of the Mission . . . . it is the downfall of our Ecclesiastical Seminary . . . . Oh! Your Eminence! what have you done? Who ever prompted you this advice to take from the poorest of Bishops the last and only anchor of his hope? . . . . It is all over: if this appointment takes effect, there is nothing more for me to hope, nothing to attempt. . . . Behold me prostrate at your feet, loudly moaning for the destruction of the daughter of my people. Give me for coadjutor that same Father Rosati, and provide any other way you wish for the States of Mississippi and Alabama.

The letter continues:

> Florida, no doubt, needs an Episcopal See; but to that State it will be good to add, because of the nearness, the State of *Alabama,* in which there are now very few Catholics, practically all in the town of *Mobile.* In the State of *Mississippi,* there is only one Catholic Congregation, namely in the city of Natchez; it consists of at most thirty families, and as it is only two days from New Orleans, it may be very easily looked after by the Bishop of this place, or by his Vicar-General. As a matter of fact, I had provided for the two afore-mentioned parishes, namely of *Natchez* and of *Mobile,* by establishing in each of them an excellent priest. What more may an Administrator with Episcopal character do? Nay, wherefrom will he get, I shall not say wherewith to uphold his dignity, but simple maintenance, when these two priests can scarcely be supported by those Catholics? Several times already has the S. Congregation mentioned to me this erection of a See in Florida. This proposal, not only did I consent to, but in fact I had repeatedly suggested it myself, as may be seen from various letters of mine possibly preserved in the Archives of the S. Congregation. Not long since I spoke quite plainly concerning several things demanded for the erection of that See, and even proposed a

[34] *St. Louis Catholic Historical Review,* vol. II, p. 222. Rosati had declined the mitre on November 26, 1822, (Cf. *ibid.,* vol. III, p. 312).

candidate for it, namely the Rev. Enoch Fenwick, S. J., from Maryland, former Vicar-General of the Most Rev. Archbishop John Carroll, and now President of the College of Georgetown. After having done all this, I thought that this affair was to be finished shortly; but I am immensely surprised to hear from Archbishop Maréchal that doubts have been raised at Rome as to whether Florida belonged to my Diocese or to Havana. It is clear from the Bull of erection of the *See of New Orleans*, in date of April 27, 1793, that Florida was annexed to this See, at the request of the King of Spain, and *with the express consent of the Bishop of Havana.* True, after the sale of Louisiana to the United States, and the transfer from New Orleans of the Spanish Bishop, the Right Rev. De Peñalver, the Bishop of Havana, being the nearest Bishop, resumed, by order of the King of Spain, jurisdiction over Florida, by virtue, I suppose of the Concordats between the Spanish Crown and the Holy See, whereby it is enacted that no foreign Bishop can ever have jurisdiction over any part of the Spanish Dominion. But when finally Florida was added to the United States, the Bishop of Havana renounced his jurisdiction over it, and recalled his priests who were there. There remains, therefore, no room for the slightest doubt, no impediment capable of delaying the erection of that See, inasmuch as I, the sole Ordinary of that territory, am giving my hearty consent.[35]

On January 21, 1823, Du Bourg was informed by Propaganda that the division of his vast diocese would be postponed for a while, but that Florida was added to Rosati's Vicariate owing to the neglected state of the Church in that region.[36]

During all these changes and counter-changes, Bishop England had at heart the constantly increasing loss of faith of which he heard so much from Catholics who had visited St. Augustine. It would appear that, in several letters which have disappeared, he asked Maréchal to advise him on the Florida situation as well as upon that of Alabama and Mississippi. On January 15, 1823, he complains to the Archbishop that the latter had written nothing concerning these States, neither had he received any answer from Rome "whither I have written to know if they were part of my charge."[37]

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[35]*Ibid.*, vol. II, p. 221.

[36]Prop, Arch., *Lettere*, vol. 304, f. 10. Cf. *St. Louis Cath. Hist. Rev.*, vol. III, p. 312.

[37]BCA—Case 16—J9.

On January 17, 1823, Propaganda wrote officially to Consalvi, then Secretary of Briefs, that Florida had been detached from "the Diocese of New Orleans" and had been joined to Rosati's Vicariate.[38]

In its reply (January 25, 1823) to England's letter of October 29, 1822, Propaganda ignored the whole question of Florida; in fact the tone is so aloof that the Bishop of Charleston must have felt that the Sacred Congregation had quietly rebuked him for his anxiety over the Catholics in Florida and Alabama, destitute as they were of a single priest at the time.[39] But that Propaganda was not neglecting Florida is evident from its letter to Maréchal a few days previous (January 21, 1823) asking him to propose some one as bishop "for the Floridas".[40] This date, it will be remembered, is the same for the official union of Florida to the proposed Vicariate. Rosati's letters to Rome (January 25, April 3, 11, May 6, 1823) repeated his refusal to accept the miter. The Holy See stood firm, however, being convinced that his consecration as Bishop of Tenagra and as coadjutor to Du Bourg would enable the latter prelate to divide his forces better and thus take a more active part in the spiritual rescue of Florida.

Maréchal finally wrote to Dr. England on January 15, 1823, telling him that the Charleston jurisdiction did not extend beyond the limits of the States of North and South Carolina and Georgia. This apparently settled the problem for Alabama and Mississippi. England's reply (February 5, 1823) does not make it clear whether or not he understood Maréchal to leave the question of Florida open:

> I am happy to find myself relieved from great anxiety and torture respecting Alabama and Mississippi. The Bishop of Havana wrote to me on the first of July to look after East Florida. Dr. Du Bourg commissioned me lately as his Vicar-General. So that I can have no doubt of my jurisdiction, but I am now happy to learn that at length my limits are accurately ascertained. I wish they were still more confined. One State would be enough for me, and would give me full employment and less care and responsibility. . . . In answer to your

[38]Prop. Arch., *Lettere*, vol. 304, f. 50.
[39]*Ibid.*, f. 31.
[40]BCA—Case 22—N1.

Queries: (1) I know little of the Catholic population of West Florida. I should suppose it to be 1500 or 2000 souls. East Florida has about 300 or 400 Catholics at St. Augustine, perhaps 100 on the river St. John, and 100 or 200, principally fishermen and descendants of Mexican emigrants, in Amelia Island and its vicinity. In all about 600 or 700 young and old. There is no stationed Clergyman, but if the Methodists and others get footing and no regular organization of the Catholic Church be preserved (and my means will not allow it), their faith will be lost. (2) Pensacola lies most convenient for Alabama and Florida, and is to be the seat of government of the latter; and though scourged by fever last year, is generally healthy and has had a good Catholic population. (3) I would unhesitatingly recommend an American [*for the proposed See*], in preference to any other to be the Bishop. He might employ clergymen of other tongues if necessary. And if Rev. B. Fenwick were appointed and accepted the appointment, I would prefer him. He knows French and would easily acquire Spanish, and has full experience. I have recommended him to Propaganda and to the Bishop of New Orleans, and if you make a postulatum and think the addition of my name of any value, I would request you may affix it to a recommendation of him.[41]

It was at this time also that Father Gomez retired from St. Augustine on account of ill-health, and thus, the Church in Florida was left without a shepherd.

By March, 1823, the situation of the Florida Church was at its worst. Rosati's refusal to accept the Vicariate had not reached Propaganda, and the Sacred Congregation was seeking a likely candidate for the coadjutorship to Du Bourg. Bruté was favorably considered, but Maréchal refused to allow him to leave the Seminary of Baltimore. Propaganda then wrote to Bishop Flaget (March 8, 1823) asking what was to be done.[42]

The Florida Church came up again in a general meeting on American affairs at Propaganda with Cardinal Fesch in the chair, on June 9, 1923. As Propaganda viewed the situation, it was some what as follows: Should the Vicariate of Alabama-Mississippi-the Floridas be rescinded and Rosati permitted to remain as coadjutor to Du Bourg? Should the advice of Maréchal, Flaget and David be followed, and the division of Louisiana be postponed for five years?

[41]BCA—Case 16—K17.
[42]Prop. Arch., *Lettere,* vol. 304, f. 142.

Should Florida be joined to the administration of the Bishop of Charleston? The decisions reached were: (1) to revoke the brief creating the Vicariate; (2) to confirm Rosati as coadjutor to Du Bourg; (3) to allow Florida to fall back into the administration of Du Bourg, until an episcopal See for Alabama and Florida be decided upon. Enoch Fenwick and Bruté were to be considered for this new diocese, but inquiries would be made of Maréchal and of the Papal Nuncio at Paris to suggest other names. On June 10, 1823, Bishop England informed Maréchal that "St. Augustine has been now four months without a Priest, overrun with Methodists and Presbyterians. I of course have no charge there, which is a calm to my conscience."[43]

On June 21, 1823, Propaganda wrote to Maréchal, stating that it was the opinion of the Sacred Congregation that a separate diocese should be erected at once for Florida and Alabama. Two priests had been recommended to the Holy See for the episcopal charge of the new diocese, viz., Enoch Fenwick, S. J., and Simon Bruté. The first was President of Georgetown College, the other was a teacher in the Sulpician Seminary at Emmitsburg. Maréchal was asked to advise the Holy See on the merits of these two men.[44]

Maréchal, however, prevailed upon the Holy See to suppress the Vicariate of Alabama-Florida, and this was done by the Brief *Cum superiori anno* of July 14, 1823, addressed to Rosati, which restored Mississippi and Alabama to the Diocese of Baltimore. Rosati was told that Louisiana was eventually to be divided into two dioceses, and that he was elected coadjutor to Du Bourg.[45] From this time Du Bourg took the title Bishop of New Orleans, although actually the See of New Orleans was not erected until 1826. Mississippi and Alabama were returned to Maréchal, who then appointed Du Bourg as his Vicar for these States, and Florida returned to Du Bourg's diocese with Bishop England as Vicar-General for that State. In reality, it was something approaching mismanagement all around.

On November 22, 1823, Propaganda wrote to Bishop-elect Rosati,

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[43]BCA—Case 16—K20.
[44]Prop. Arch., *Lettere*, vol. 304, f. 467.
[45]*Ibid.*, f. 469. De Martinis, *Bullarium de P. F.*, vol. IV, p. 640, contains the bull.

charging him under holy obedience to accept the episcopate. Before this letter reached him, Rosati yielded to the joint entreaties of the Bishops of New Orleans and Bardstown and sent his acceptance to the Holy See. It was his purpose, he says, to receive episcopal consecration as soon as possible.

On March 25, 1824, Rosati was consecrated at Donaldsonville, Louisiana, as Bishop of Tenagra.[46] The ecclesiastical situation returned to a sort of *status quo.* Du Bourg's vast diocese remained undivided, and the division was postponed until 1826. Du Bourg received in the person of Rosati a coadjutor of apostolic qualities and gifted fortunately with the supreme tact necessary for successful cooperation with so sensitive a character as the Bishop of Louisiana. Florida, meanwhile, was left in its neglected condition. Northern Alabama and Mississippi reverted to the Diocese of Baltimore and were to be perforce neglected by Maréchal. It would be difficult to find in any of Maréchal's correspondence at this time any concern over the two States he had reclaimed. Du Bourg washed his hands of Florida by making Dr. England his Vicar-General, and with Du Bourg threatening to resign if Rosati were to be taken away from the diocese, the Sacred Congregation must have concluded it were better not to touch the problem at all.

In the *Miscellany* for January 28, 1824, we learn that Father John McEncroe spent the months of September and October (1823) at St. Augustine, and that the Rev. Francis Boland, who had recently arrived from Ireland, left Charleston on January 26, 1824, to perform the missionary duties of East Florida for some time. On April 11, 1824, Dr. England in a letter to the Archbishop says: "I shall after Easter have to visit on the Seaboard and as the Bishop of New Orleans has requested me to accept Vicarial Powers for E. Florida, I have been obliged to send a Priest thither; as I shall be upon its boundary, I shall go to St. Augustine."

On May 15, 1824, Maréchal received another letter from Propaganda, this time to assure him that Alabama and Mississippi had

[46]Cf. Souvay, *Rosati's Election to the Coadjutorship of New Orleans,* in the *Cath. Hist. Rev.,* vol. III, pp. 3-21. The description of the consecration is in Rosati's *Diary,* printed in the *St. Louis Cath. Hist. Rev.,* vol., V, pp. 71-72. Dr. Souvay has brought order and light into the correspondence of these years in his *Cathedrals of St. Louis: an Historical Sketch.* St. Louis, 1926.

been returned to his care. Dr. Du Bourg had asked Maréchal to renew his faculties for these two States, but Maréchal hesitated because he was uncertain of his jurisdiction.

Father Francis Boland was still in charge of the parish of St. Augustine in September, 1824. We find in the *Miscellany* for this date the account of an attack made upon him and his "Romish practices" by a Rev. Mr. Lathrop, a Protestant minister of that city. Dr. England admits in the account he gives that little news about the status of the Church in that locality has reached Charleston. "Mr. Lathrop looks upon the Roman Catholic Church in St. Augustine to be a Temple of Idolatry, and considers Mr. Boland as not one whit more pure in his Christianity than a Priest of Apollo." A letter to Dr. England, dated August 12, 1824, from "A Friend to Candour", published in the *Miscellany* gives a picture of the religious situation of St. Augustine as it was at that time:

> Though you occupy a vigilant station on the watchtower of the Catholic Church, and manfully defend your post, yet I perceive that some deadly shells are occasionally aimed with impunity at your citadel. I will produce one instance which has escaped your notice, but which has stung the Catholic inhabitants of St. Augustine to the quick. A paper, called the *Southern Intelligencer*, happened to make its way some time since to our little city: it contained a report of the proceedings of the Presbyterian Synod, held in Charleston last winter. Among other documents it contained a statement made to the Synod, by a Rev. Mr. Lathrop, regarding the state of religion in St. Augustine. This Rev. Gentleman stated in round terms that there was not in the whole territory of Florida a single church dedicated to the *pure* worship of God, and that the great body of the inhabitants of St. Augustine and Florida were sunk into the most deplorable state of vice, ignorance, *and superstition.* I cannot get the paper in order to quote the precise words, but I can fully testify that the statement contained the above, and a good deal more in substance. You can easily ascertain the truth of this assertion, by looking over said Report, at the office of the above-named paper. I dare say the Rev. Gentleman did not advert to the indignation that his report was calculated to excite in the breast of every Catholic in Florida, and of the dissatisfaction which it has produced among the Protestants of the Territory, when he penned this sweeping statement.
>
> Why, my good friend Mr. Lathrop, did you not make any en-

quiries about the state of St. Augustine before the change of flags? Or have you candidly examined the real cause of the abuses which may have arisen there within these few years? If you did one or the other, you would have drawn your erring pen over your still more erroneous statement. Any one who knew St. Augustine previous to the change of governments, would have informed you that there were few places, if any, on the continent of America, where there was more order, more upright morals, and more comparative happiness than in St. Augustine. It was not then, indeed, a refuge for bankrupts in fame and fortune; it was not a mart for place-hunters; it did not exhibit a scene of fraud and chicanery; justice was not expensive and unattainable—yet it was all that time under the influence of a religion which keeps the people in ignorance and which inculcated superstitious and demoralizing principles!!! If your microscopic eye had been able to discover such a hideous mass of depravity as you depict, pray whence did it arise? One fact is unquestionable, that St. Augustine is now ten degrees lower in every point of view, both religious and political, than it was whilst under a Catholic government and under a Catholic priesthood. I will not say why, for every one who knows St. Augustine, knows well the cause, and knows that the evil would not be remedied though Mr. Lathrop had ten missionaries of his own creed and zeal and as many churches of their denomination established in Florida.

The Catholics have lately called on their pastor, the Rev. Mr. Boland, to vindicate themselves and their principles from the false attack of Mr. Lathrop; this he has done to the satisfaction of every unprejudiced man in the city. I would advise Mr. Lathrop before he delivers any more reports, to cast the beam out of his own eye before he takes the mote from his brother's eye.

If abuses exist in St. Augustine, I can safely aver that the Catholics are the victims, and not the perpetrators.

Behold, Messrs. Editors, a simple statement of Mr. Lathrop's charitable report of the state of Christianity in Florida; a report that has produced the most painful feelings to many as good and upright Christians as you may find, perhaps, in many sections of the Union. This piece of information, is forwarded to you by *A Friend to Candour.*[47]

On November 4, 1824, in order to remove Benedict Fenwick from the scene of the controversy between the Jesuits and himself, Maréchal proposed the future Bishop of Boston for the vacant Florida

[47] *Miscellany,* vol. III, pp. 139-140.

See. *Igitur promoveatur et arceatur*, as the Archbishop says in his letter to Rome of this date.[48]

Eventually on December 22, 1824, Propaganda reached a decision: Mississippi was to be cut off from Baltimore with Maréchal's consent and joined to Du Bourg's jurisdiction; Florida and Alabama were to be created into a Vicariate-Apostolic. Maréchal had written unfavorably (September 7, 1823) about Enoch Fenwick (*pietate ac doctrina quae in episcopatu requiruntur prorsus destitutus*), and later in the year equally unfavorably about Simon Bruté (*tales sunt infelices ipsius impetus ac violentia, ut in agendo regulas vel communes prudentiae ac sapientiae prorsus contemnat ac transgreditur*). If the latter were made bishop, Maréchal considered it gravely possible that he would do harm to the American Church (*ne ecclesiae Americanae plus noceret quam proficeret*).[49] The three names proposed for the Florida See by Maréchal were Benedict Fenwick S. J., Portier and Chabrat of Kentucky. Portier was chosen by a formal decree on December 23, 1824, which received papal approbation on January 10, 1825.

On January 29, 1825, Propaganda wrote to Maréchal, giving the details of Portier's election as Vicar-Apostolic of Florida-Alabama, but requesting the archbishop to inform the Sacred Congregation whether he had relinquished his jurisdiction over Alabama and Mississippi (*Ampl. Tua iterum requirere utrum revera jurisdictionem in statibus Alabamae et Mississippi abdicare assentiaris*).[50] This same day, Du Bourg in a letter to Caprano, the Secretary of Propaganda, gives his views about the necessary changes in the American Church:

> Touching the erection of new Episcopal Sees in Detroit, St. Louis, Vincennes and Mobile, in which, Father Borgna tells me, the attention of the S. Congregation is now engaged, I beg to state freely, here too, what I feel. Undoubtedly nothing is more desirable, and better calculated to bring about the progress of Religion, than increasing the numbers of Bishops; but this increase may, in my opinion, prove a danger, if nothing is fixed in regard to the decent support of the new Bishops. My own experience has taught me how deplorable is the condition of a Bishop in this new country, where everything has to be created,

[48]Hughes, *Hist. S. J.*, Doc., vol. I, pt. I, p. 521.
[49]*Atti* (1824), f. 619.
[50]Prop. Arch., *Lettere*, vol. 306, f. 32.

and where the faithful lack either the means or the wish to help. As far as I am concerned, had I been able to foresee one-tenth of the worries which have afflicted my Episcopate, never would I have accepted the burden. And yet my condition is somewhat more bearable than that of many others. That is why I would urge that, before any decision be arrived at in regard to the creation of these Sees, provisions be made for the support of the new Bishops. It will be likewise absolutely necessary, according to my judgment, to erect new Metropolitan Sees, and to assign to each one only such suffragans as may, without grave inconvenience, assemble in Council, at least every five years. A mere glance at a map of the United States is sufficient to understand perfectly that it is quite impossible for the Bishops west of the Alleghenies to convene in Baltimore. I am of opinion that Cincinnati should be made a Metropolitan See, with Bardstown, Vincennes and Detroit as suffragans; Cincinnati is quite central in regard to these; Louisiana should also constitute a separate province, consisting of the Archbishop and, *for the time being*, two suffragan bishops, that is, New Orleans, St. Louis to the North and Mobile to the East. Unless this is done, the union of the Bishops and their agreement in one opinion, and the institution of Provincial Synods, so necessary for the establishment of the unity of discipline, will be rendered quite impossible. This new division of Ecclesiastical provinces, moreover, would make much easier the selection of Bishops, according to the present system.[51]

Propaganda waited for Maréchal's answer to its letter of January 29, 1825, before a final action regarding Florida was taken. By the decree *Cum venerabile* of August 19, 1825, Mississippi was placed under Du Bourg as Vicar-Apostolic, and on August 26, 1825, Florida and Alabama were erected into a Vicariate-Apostolic with Father Michael Portier as Bishop.[52]

That Portier's selection was not favorably received by Du Bourg is evident from an undated letter about this time to Archbishop Caprano:

I very much regret, for the sake of Religion, that in the case of Father Michael Portier, the customary inquiries were omitted,

[51] *St. Louis Cath. Hist. Rev.*, vol., III, pp. 148-149.

[52] Shea, *op. cit.*, vol. III, p. 73. On June 25, 1825, Propaganda wrote to the ecclesiastical authorities of Lyons to ascertain the Christian name of the new bishop it was about to appoint. (Prop. Arch., *Lettere*, vol. 306, f. 311). On September 3, 1825, the Sacred Congregation announced officially to Father Michael Portier his selection as Bishop of Oleno and Vicar-Apostolic of Alabama-Florida (*Ibid.*, f. 491).

especially from such prelates as know him, and under whose jurisdiction he has lived during the last eight years. Whatever others might state about him can have bearing only on the years of his youth. For scarcely was he nineteen years of age, when he came from Lyons under my direction; he was then conspicuous among his fellow-students by his conduct and talents, but yet too young for anybody to forecast what he was to be later on. From that time on, he has never left my Diocese; hence no American Bishop, outside of myself and my Coadjutor, had ever any chance to know him. No sooner did the first rumor of his appointment reach here, than most of his friends and fellow-priests could not help laughing heartily over it; but what saddened me yet much more, laymen and women, even among those well-disposed, manifested their wonderment, that a young man, whom nothing singles out and recommends particularly among his fellows, and who has had no experience, should be raised to such a high and difficult position. Some did accuse me of this decision, whom I could scarcely convince that I had absolutely nothing to do with it, and had never been consulted about it. When good and religious people are feeling that way, what can you expect of men of loose morals and of no religion, so numerous in this part of the country?

I would not have Your Grace conceive the least suspicion that I regret the dismemberment of Florida from my Diocese, or the loss of Father M. Portier. That Florida should be taken away from me, I have long petitioned; and I have never reaped anything but trouble from that wide expanse of territory. As to Father Portier, on account of his levity of mind and his affectation of independence, I wish he would go somewhere else, where under the bridle of obedience, that levity of his might be checked and his natural talents might grow to maturity for the greater utility of the Church. But there is no use now of me wishing either of these things, as, in so far as I am personally concerned, I have no other longing and no other thought but for my freedom; however, even though the bands uniting me to this Church are to be severed, yet I shall never cease to wish it good, and to promote its increase by all means in my power. This is why I most freely set forth my opinion about what concerns the honor of religion, hoping that Your Grace and the S. Congregation will pardon any expressions of mine which might appear somewhat lacking in reserve, for I have nothing more at heart than to manifest by all possible means my most profound respect to the Holy See and the S. Congregation, and to prove myself by word and deed, *etc.*[53]

[53] *St. Louis Cath. Hist. Rev.*, vol. II, pp. 209-211.

In February, 1825, Father Boland, was recalled by Bishop England from St. Augustine.

> We regret to state that this city (St. Augustine) is bereft of the ministry for the present. It is within the jurisdiction of the Bishop of New Orleans, and since the death of Rev. Michael Crosby it has been attended to, at the request of Dr. Du Bourg, by the Bishop of Charleston, but the increasing demands on his own Diocess have obliged him to withdraw the Rev. Francis Boland, who has been, during upward of twelve months, in Florida.

Later (June 8, 1825), we find in the *Miscellany* the following account of Boland's removal:

> The wants of the Diocess of Charleston have compelled the Bishop to withdraw from this city, which is under the jurisdiction of the Bishop of New-Orleans, the Rev. Francis Boland, whom he permitted to go thither for some time. The calls for the ministry in his own Diocess are numerous and pressing, yet he is not without hopes of being able soon to aid the Floridian Catholics. The following address and answer have appeared and been alluded to in such manner as they deserve, in the papers of Florida and of Georgia:—
>
> We, the undersigned, Wardens of the Roman Catholic Church of St. Augustine, being apprised that our late Pastor, the Rev. Francis Boland, has been removed to the Church in Savannah, take this opportunity of expressing the high sense we entertain of his zeal for Religion, and the able manner in which he has performed the duties assigned him here, together with the unfeigned sentiments of our esteem and respect.
>
> Bernardo Sesqui, Thomas Murphy, Pedro Mirando, F. J. Fatiom, Wm. Travers, Richard Murray.

To which Address Mr. Boland returned the following answer:—

> *To the Vestry of the Catholic Church of St. Augustine*: *Gentlemen*:—The flattering and handsome manner, in which you have been pleased, publicly to testify your approbation of the discharge of my pastoral functions, during a residence of twelve months among you, I duly appreciate. The kindness and attention uniformly paid me by you, and the congregation, which you so deservedly and respectably represent, merited more than my feeble talents, which your partiality has overrated, were adequate to convey. Under these impressions, then, gentlemen, permit me to assure you, that it was not from choice, but with unfeigned regret that I left your city, in obedience to the will of my superior, whom, by the solemn promises of my

ordination, I am conscientiously bound to obey, and without whose approbation and jurisdiction, most of my sacerdotal acts would be invalid, and all sacrilegious. While I deplore, that the paucity of pastors in this diocess leaves you at present without a ministry, and bereft of the usual comforts and blessings of your Holy Religion, please to accept my sincere assurances, that, I have, and shall continue to exercise my best influence with our worthy Bishop, to have it supplied as soon as possible, and that, however far distant from you I may be placed, whether an ocean or a forest interposes, I will always bear a grateful remembrance not only of the Catholics, but of my respected Protestant acquaintances in St. Augustine. With these pledges, I am, Gentlemen, *Your Obedient Servant,* FRANCIS BOLAND, *Pastor of the R. C. Church of Savannah.*[54]

Father Portier had no intention of accepting the episcopate, if there was any way of avoiding it. When the Bulls reached him, he was at the head of a college which had been founded in the old Ursuline convent at New Orleans. As a subdeacon, he had come to the United States in July, 1817, with Bishop Du Bourg. He was ordained deacon at St. Mary's Seminary, Baltimore, in the autumn of 1817. In October, 1817, he was sent to Natchez, and in September, 1818, was ordained priest, probably at the "Barrens". After a year's missionary work in Missouri, he went to New Orleans, (March, 1819), and in 1823, under Du Bourg's direction, opened the college. Father Portier, who was born at Montbrison, France, on September 7, 1795, was thirty years old at the time of his election to the American episcopate.[55]

On March 10, 1826, Bishop Rosati wrote to Portier:

I have just heard of your appointment to the Bishoprick of Alabama, and, at the same time, your refusal. I was glad that you are known in Rome and hope your refusal will not be accepted. Owing to my great affection for you since I had the privilege to know you, I feel a personal satisfaction at your elevation. I would not speak thus if the Episcopate in this country was a source of honours; but crosses, afflictions, privations, humiliations, labours, and sufferings are our lot. Courageously, therefore, take up these crosses, and you will be on the high road to heaven.[56]

Portier's election brought out even more clearly the issue be-

[54] *Miscellany*, vol. IV, pp. 112, 367.
[55] Cf. biographical note in *St. Louis Cath. Hist. Rev.*, vol., III, p. 325.
[56] *Ibid.*, vol. IV, p. 180.

tween the American hierarchy and the Sacred Congregation of Propaganda Fide in the policy of episcopal nominations. The only safeguard for the American Church, as our prelates of that day viewed it, was to secure from the Holy See formal promise of protection from the danger of having bishops appointed who were alien to our customs, language, and needs. Archbishop Maréchal had striven to place the whole vexed question in its proper light before the Roman officials during his stay in the Eternal City in 1822, but unfortunately his exposition must have been vaguely worded since Cardinal della Somaglia believed that what the American prelate desired was that the exclusive right of nomination to vacant sees be given personally to the Archbishop of Baltimore.

About this time (February 27, 1826), Du Bourg wrote again to Caprano intimating that the choice of Portier had nullified whatever good had been done in New Orleans:

> Enough and more than enough have I already dinned into the ears of the S. Congreg. and of Your Grace about the unjust hatred wherewith these people hate me. I forgot, however, I know not how, to remark that this has caused scandal among quite a number of my clergy, and has furnished to others a pretext to act with me disrespectfully and even insolently. Among the latter I am sorry to have to mention above all the Rev. Michael Portier, the self-same man whom the S. Congregation intends to appoint to the Episcopal dignity . . . a burden really tremendous in this country. Hence it is clear that my usefulness here is absolutely at an end. Whether this hatred has come to me by my own fault, I know not; God knows it. But this I know, namely, that I extended kindness and indulgence even to the extreme limits, towards all, and that I never replied a word even to the expressions of contempt or insolence of the priests, being afraid that these would swell the ranks of my enemies, and that dissentions between the Clergy and the Bishop might give rise to grave scandal. In saying this my intention is not to give the impression that Fr. Portier is lacking in faith or virtue; but he is given to levity, inconsiderate, restive, affecting independence, purposeless, devoid of firmness and ever ready to veer with every wind. The S. Congregation may easily understand that, in the midst of such circumstances, most keenly sensitive as I am, I must be the most unhappy of men; and indeed such is the case, so much so, in fact, that I should deem the condition of slaves actually a paradise, compared to my own condition, and I would not hesitate to ask to

end my days, if it so please the Sovereign Pontiff, in the most rigorous Monastery rather than remain another year with that burden.[57]

Meanwhile (March 18, 1826), Propaganda replied to Portier commanding him in the name of obedience to accept the See of Alabama-the Floridas (*in virtute sanctae oboedientiae tibi praecipere ut delatum episcopatum ac vicariatum omnino recipias*).[58] The answer to Du Bourg's complaint against Propaganda's independent action regarding Florida came in the shape of a decision reached by Propaganda on June 26, 1826, creating a division of the Diocese of Louisiana into two separate episcopal Sees, New Orleans and St. Louis, and also the acceptance of Du Bourg's resignation, the same to be kept secret until Du Bourg reached France on his way to Rome. The resignation was accepted for other reasons besides those offered by Du Bourg. Among these was the fact that Propaganda had learned through letters from Bardstown and New Orleans that Du Bourg had reached such a state of suspicion and sensitiveness that cooperation with other bishops and priests was almost at an end. Maréchal, as the *Atti* say, had never written about Du Bourg to Rome without finding fault with him (*mai parli di detto vescovo senza lagnarsi della di lui condotta*).[59] The brief of July 14, 1826, informed Rosati that Du Bourg's resignation had beeen accepted, and that he was to be juridic chief of both the Louisiana Dioceses until an appointment was made.[60]

Bishop Portier was consecrated on November 5, 1826, by Bishop Rosati. After settling up the affairs of the college in New Orleans, he left by water for Mobile, where he landed on December 20, 1826. There were but two priests in the whole diocese, one at Mobile and the other in Pensacola. The Catholics in the former city were estimated at about 1,000. On December 9, 1826, Dr. Portier was felicitated by the Sacred Congregation on his obedient acceptance of the Diocese of Alabama-the Floridas. He was free

[57]*Ibid.*, vol. III, pp. 206-207.

[58]Prop. Arch., *Lettere*, vol. 307, f. 108.

[59]For a curious explanation of his resignation, cf. *Miscellany*, vol. VI, p. 87, where a letter from Du Bourg dated Angers, Sept. 16, 1826, is copied from the *Ami de la Religion* of Paris.

[60]Prop. Arch., *Lettere*, vol. 307, f. 450. Propaganda's letter of July 22, 1826, (St. Louis Diocesan Chancery Archives) to Rosati does not mention Du Bourg's resignation.

to choose his episcopal see, and if he gave Propaganda an estimate of the amount of money necessary for his support, the Sacred Congregation would assist him as far as it was able.[61]

An interesting side-light on the Florida situation is given in one of Bishop England's letters to Rosati, dated Charleston, December 29, 1826:

> The departure of Dr. Du Bourg has placed me in some difficulty as to the exercise of jurisdiction. He requested of me to act as his Vicar-General *in spiritualibus* for East Florida. I appointed to the care of St. Augustine a Rev. Timothy McCarthy who for some time conducted himself very well, but latterly he has disgraced our religion. Finding that Doctor Du Bourg left this country without writing to me, & having no communication with you, I am at a loss to know whether you have succeeded to the See of New Orleans, & whether I have lost my delegated jurisdiction over East Florida, as the principal from whom I held it has resigned. . . . In this state of things I have forborne to act, lest I might be intruding upon another jurisdiction. I do not think Mr. McCarthy ought to be permitted to remain one hour in Authority in any place in the Catholic Church, & I have no one to replace him. I want six or seven priests for my own diocess, & must naturally give a preference thereto, & if Florida is neglected, the people will, as many have done, fall into other hands than ours. Will you have the goodness to give me some information upon this subject?
>
> There is another large & interesting portion of territory & I know not in whose charge it is, Alabama & Mississippi. The Catholics of Alabama have frequently applied to me, & I was told by the Archbishop that Doctor Du Bourg undertook to have it supplied. I beg to inform you that I know several Catholics there who complain to me that the faith of their children is in danger of being lost. Upon this subject I would refer you in the first instance to Mr. Luke Howard of Tuscumbria. I know persons who left my Diocess to settle in Alabama, they were Catholics, & even at the Sacraments, & now because they have no ministry they have left the Church & joined Sectaries. The Archbishop informs me that it is in charge of the Bishop of New Orleans. I have been asked by the people to whom they should apply for a pastor, & I can not tell them. Will you please to inform me, if you can? I perceive by the newspapers that you have lately consecrated a Bishop. Will you be good enough to inform me of his title

[61]Prop. Arch., *Lettere*, vol. 307, f. 793.

and place of residence, & the extent of his jurisdiction? On those occasions any information conveyed to the Editors of the *Catholic Miscellany* in this city would be most acceptable & useful. We know too little of each other and though embarked in a common cause, we have, unfortunately, no common concert.[62]

The Miscellany of 1827 contains some valuable historical data on the progress of the Church in Florida at this time. On April 14, Dr. England wrote:

We are extremely gratified at learning that the zealous and respectable prelate of this district [*Alabama and Florida*] is now at Pensacola, where he has been resident for some time. His consecration, our readers are aware, took place at St. Louis, in Missouri, on the 5th of last November, and he arrived in his district early in December, where he has been occupied in affording to the Catholics of Mobile and Pensacola the benefits of the indulgence of the Jubilee. The situation in which he is placed, in charge of a new and large district with but two priests, and numerous demands for a ministry, must call for the zealous cooperation of the Catholics of his District, and make them feel that however laudably anxious they may be to have their spiritual wants supplied, they must be patient and assiduous in bestowing the means of procuring a ministry. We know from the communications of several in Alabama that they are able to afford that aid, we recommend to them to communicate upon the subject with the Right Rev. Doctor Michael Portier at Pensacola. May God bless his efforts, and aid him and his flock.[63]

Two months later (June 16, 1827), we read:

St. Augustine has been for some time past without a pastor, but we feel gratified in being able to state that it is the intention of the good prelate Doctor Portier, Bishop of Olenos, in whose district it is, to visit that city in the latter part of this month, or in the early part of July. It is also expected that he will pass a short time in this city with our Bishop.[64]

Later in August, the following notice appeared:

This zealous prelate (*Portier*) has already endured nearly martyrdom in the discharge of his arduous task. He left Pensacola on the 12th of June, and rode thence to St. Augustine, having preached in Tallahassee and other places. In the early

[62]St. Louis Diocesan Chancery Archives, furnished me by Rev. Dr. Souvay.
[63]*Miscellany*, vol. VI, p. 302.
[64]*Ibid.*, p. 374.

part of July, he arrived in St. Augustine, and on the 19th was attacked with a violent fever, under which he laboured during ten days, and was nearly carried off by it. He is, however, thank God, recovered; but owing to his weak state of health, he will not be able to visit this city as he intended.[65]

On September 22, 1827, Dr. England announced that he had received letters from St. Augustine, dated the 12th inst.,

which inform me of the zealous and successful efforts of the good Bishop Portier, who after his severe illness, induced by fatigue and the heat of the season, devoted himself to repairing some of the ravages which long neglect and shameful scandals had made in the Church of that city. He preached in Spanish, and found it necessary to begin the fundamental instruction with several adults. His labors have been particularly blessed, upwards of one hundred persons have been at the holy communion, and more than ninety have received the sacrament of confirmation. There are several others preparing. The good prelate during fifteen days preceding the administration of the Sacrament of Confirmation, had public catechism and instruction daily. We regret to learn, that if he has not yet departed, this prelate's stay in St. Augustine, must necessarily be short, as he is, we understand, left alone in his vast district, and must visit other portions of it.[66]

A week later, Dr. England states: "We feel great pleasure in copying the following extract from the St. Augustine *Herald*. Dr. Portier has requested of the Bishop of Charleston to retain his powers of Vicar-General of East Florida, and to have St. Augustine visited occasionally by one of his priests. Doctor England is disposed to do what he can in the case, but his own difficulties are extremely pressing."

St. Augustine, Sept. 19.

Bishop Portier.—The Bishop during his late visit to this place, was unremittingly engaged in the instruction of his Catholic Flock, and in the numerous religious duties which devolved upon him from the long neglected state of the church, and the limited period which he was obliged to assign for his stay. In the course of a few weeks he has confirmed 102 persons, from 10 to 35 years of age; administered the Holy Sacrament of Eucharist to 119, and baptized 40 children; besides catechising the latter, and sedulously instructing them in their

[65] *Ibid.*, vol. VII, p. 54.
[66] *Ibid.*, vol. VII, p. 95.

faith and religious duties. The Bishop preached every Sunday during his stay, with the exception of two, being then prevented by illness, and always to a numerous auditory composed of all denominations, who seemed to forget their sectarian differences in listening to the pure and unadulterated truths of christianity, and enforced with zeal and eloquence, and aided by the charm of a graceful and happy delivery. We regret the stay of the bishop among us has been so short, his affability and amiable manners, his zeal and religious deportment, having acquired him the favour and esteem of the American portion of our population, as well as of his Catholic congregation. We are glad, however, to hear it intimated, that he will probably repeat his visit in the course of a twelvemonth, and that there is a likelihood of his fixing his residence permanently among us.[67]

Bishop Portier left St. Augustine on September 22, 1827, and on his arrival at Pensacola, he learned that the two priests who had been stationed at Pensacola and Mobile had given up their posts and had returned to New Orleans. He was then alone in his Vicariate.

The condition of affairs at St. Augustine was discouraging. Some time before Portier's arrival, an election for vestrymen was held and around the original group selected by the congregation was to center a schism that disturbed the peace of the city from 1827 until 1832.

Knowing that Dr. England would do anything within his power to send spiritual aid to the Florida Catholics, Bishop Portier decided to go to Europe to secure priests and financial assistance for his Vicariate (April, 1828). In November, 1828, Bishop England appointed Rev. Edward F. Mayne "to St. Augustine and East Florida generally". In the *Miscellany* for March 7, 1829, there is a note which tells us of Father Mayne's ministry of that section:

During a recent excursion of the Rev. Ed. Mayne from St. Augustine, he visited and instructed at several stations in the vicinity, and made preparations for future visits. On the 19th of January he gave instruction at Pablo and baptized 7 coloured children. At Ferdinanda, on Amelia Island, on the 28th and 29th, he instructed, married a couple, and baptized 48 persons, of whom 12 were white, 1 adult and 11 children, and thirty-six coloured, 20 adults and 16 children: here also he made arrangements for regular practices of devotion. On the evening of the

[67] *Ibid.*, vol. VIII, p. 278.

29th he baptized four coloured children at Fort George, and on Friday the 30th he baptized one white adult at the Two Sisters, and three white children at St. John's Bluff. On Saturday the 31st, three coloured children were baptized at St. Diego, and after an absence of two weeks he officiated on the 1st of February at St. Augustine.[68]

Father Edward Mayne was the first duly appointed parish-priest of St. Augustine since the withdrawal of the Spanish clergy nearly a decade before. He spent six years in Florida, and died of consumption at St. Augustine on December 21, 1834, at the early age of thirty-two. He was born in Ireland in 1802, came to Philadelphia with his parents at an early age, and entered Mount St. Mary's College, at Emmitsburg, about 1820. He was there from 1820 to 1826, as a member of an illustrious group of students, among whom were the future Archbishops Hughes and Purcell, and the celebrated President of the College, Dr. John McCaffrey. Father Mayne was ordained late in 1826 or early in 1827, and we find Father Bruté writing about that time to Father John Hughes: "We are much concerned to hear that Mr. Mayne is so ill; he has, I think, a good constitution, but you have all so much labour that you cannot stand it." In 1827-1828, Father Mayne ministered to the congregation of St. Augustine's Church, Philadelphia, and then with the advice of his physician, went to Charleston where it was hoped the warmer climate would stay the advance of his disease.[69]

Before his death, Father Mayne re-organized Catholic life in St. Augustine and in other cities of Florida during the next year (1829). Towards the end of the year, Bishop Portier returned to his diocese bringing with him two priests, four sub-deacons, and four seminarians. In presenting to the Holy See a report on the situation of the Church in his Vicariate, Bishop Portier requested that Alabama

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[68] *Miscellany*, vol. XI, p. 350.

[69] *Records* (ACHS), vol. XXIV, p. 160. Bishop England wrote, at the time of his death: "Mr. Mayne's virtues, and we would not speak in the language of panegyric but of truth, were not only known but extensively felt in their influence upon society. But so simple in his manner, so unostentatious in his acts, that the blessings he dispensed were as noiseless in their course and as animating and cherishing, as the dew of Heaven." (*Cath. Misc.*, vol. XIV, p. 223). Cf. McSweeny, *Story of the Mountain*, vol. I, pp. 92, 166, 272. The *Researches* (vols. V, pp. 184-187; VI, pp. 30-33) contain four pathetic letters about his health written to Jane Lloyd of Philadelphia, the daughter of Thomas Lloyd, the official stenographer of the first American Congress.

and Florida be raised to a Diocese with a See at Mobile. In the *Atti* for April 27, 1829, is a long historical account, based upon Portier's *Relatio* and for the information of the Cardinals of Propaganda, which at last brings order out of the confused situation of the documents concerning the Church in Florida. There were at that date in the Diocese of Mobile seven thousand Catholics: four thousand in Florida and three thousand in Alabama. There were but three regularly organized parishes in the diocese. Mobile had but two thousand Catholics; Pensacola, fifteen hundred; St. Augustine, about two thousand. On account of the difficulty in travelling, Bishop Portier was not able to visit St. Augustine more than once every three years. Between October, 1827 and April, 1828, Bishop Portier had no priest in the whole extent of his diocese, and he saw no hope of securing help except through the immediate erection of a diocesan seminary. Propaganda recommended Bishop Portier to the Society for the Propagation of the Faith of Lyons as the most deserving recipient of its subsidy for that year. The result of Portier's appeal was the erection of the new Diocese of Mobile (May 6, 1829), as a suffragan of Baltimore. The decree was dated May 9, and on May 28 the brief was despatched to Bishop Portier.

Bishop Portier had no means of knowing the appointments made by Bishop England, and consequently in Avignon secured the services of Father Bourdet, appointing him pastor of the church in St. Augustine and Vicar-General for East Florida. We learn from a letter dated Charleston, October 28, 1829, and written by Father Frederic Rost, whom Dr. England called to Charleston for the German Catholics, that Bourdet knew neither Spanish nor English, and that on his arrival he immediately sided with the trustees, suspending Father Mayne. The leading Protestants of the city were shocked at Bourdet's summary dismissal of a priest everyone had come to respect. Father Mayne said nothing, but wrote to Bishop England for orders. Dr. England advised him to return to Charleston. Later, Father Mayne went to Philadelphia, and we find his name signed to the register of St. Augustine's Church in that city during the rest of the year (1829).

In the *Miscellany* for February 24, 1830, we find an interesting note about this fact:

ST. AUGUSTINE. We have received the following, which we insert with pleasure: so far as it goes to testify the qualities and standing of the Rev. Edward Mayne, it has our full and hearty concurrence. We are not aware of what regulations have been made, nor by what authority; but we shall feel highly gratified if, as our anonymous correspondent informs us, the Bishop of Mobile has insured to that important station in which he has beneficially laboured, the services of so efficient a priest as Mr. Mayne.

To the Editor of the U. S. Miscellany, Charleston (S. C.)
Gentlemen:—

In your paper of the 6th ult. was contained an article, intimating the Rev. Mr. Mayne's departure from Florida, on which I beg leave to offer a few remarks:—

Although the Rev. Gentleman had for some time past intended returning to Philadelphia, in the spring, I am happy to have in my power to state such an idea is now abandoned, and that his sense of the spiritual wants of St. Augustine, and the earnest entreaties of his friends have induced him (with the approbation of his spiritual superior) to continue his valuable services among them. Though no sectarian, I am a friend of religion, to know how to estimate the general good that must result from moral and religious education, as also, the necessity of such qualifications, zeal and prudence, as Mr. Mayne is possessed of, in a place which has indeed been much neglected, and is still more misrepresented—consequently, I am gratified to think that the Catholics of St. Augustine have kept among them so able and unassuming a defender of their principles, whilst Christians of all denominations may enjoy the society of a gentleman, a scholar, free from prejudice and bigotry, and well calculated to ensure the friendship of all, as well as of
A Liberalist.[70]

Four months after his arrival Father Bourdet realized that he could make no headway with the trustees of the church, and that the prospects of becoming a useful pastor were scanty. He decided to return to Avignon and went to Charleston in order to inform Bishop England. Dr. England then sent Father Rost to St. Augustine to take Father Bourdet's place. Sometime afterwards, Dr. England received disquieting information regarding Father Rost and he recalled the latter to Charleston, at the same time ordering Father Mayne, who had found that the climate in Philadelphia was

[70] *Miscellany*, vol. IX, p. 278.

aggravating his condition, to resume charge of the church in St. Augustine until Dr. Portier returned. In May, 1830, the trustees refused to recognize Bishop England's jurisdiction over Florida, and closed the church against Father Mayne. Father Mayne endeavored to secure possessison of the church and the church's revenues in the Superior Court of the District of East Florida, but the judgment went against him, on the score "that by the common law as it existed in the United States, the founders of churches possessed the right of deciding who should preside over their spiritual interests." Father Mayne then officiated in a private house for such of the faithful as were disposed to follow him. The case between the trustees and Father Mayne was brought before a Federal court, and a Judge Smith in a foolish decision stated that the right of presentation to the pastorate of the church belonged to the congregation and not to the Bishop of Mobile, and that the treaty ceding Florida to the United States transferred to the congregation all the rights and privileges once enjoyed by the King of Spain. Few legal decisions against the Catholic religion contained more errors and absurdities than Judge Smith's decision. Bishop England analyzes the situation in a letter to Judge Gaston, dated December 17, 1831:

> You will find in the *Miscellany* of this day's date all that I have seen of a legal decision of Judge Smith of Florida in the case of the church of St. Augustine.
>
> I appointed Mr. Mayne, when I acted as V. G. of the bishop of Mobile then absent in Europe. I am fully aware of the canonical ground on which I stand, and perfectly certain that this decision is altogether erroneous upon its provisions. The Judge is also manifestly uninformed of its first principles for he confounds collation, presentation & institution. But I am of opinion that for a variety of reasons, it is time that this vexed question which has done so much mischief in our churches, should be fully explained to our people, & perhaps I could do it sufficiently by occasion of the present decision. But as my notions respecting the constitutional & common law which it invokes (?) might be wrong, I would request your aid by answering the following questions, some similar to which I have proposed to Mr. Taney.
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> 1. Suppose the king of Spain had a right of collation & power to transfer it, could the United States Government accept and exercise it, by the appointing of Bishops and priests to

the vacant churches of the Union? It does appoint chaplains to the army and navy. Suppose the Pope gave to it the right of collating to all the vacant Catholic churches, & the other bodies having a right of appointing pastors to other churches made similar grants, could it receive and exercise such a power, compatibly with Amendment 1, to the constitution, or is there any constitutional disability in the government to such power of appointing pastors for one or all the churches of the Union?

2. Suppose the government of the U. S. to be constitutionally prohibited the use or exercise of such power of appointment, can it become the channel through which such power could be transmitted to those who could exercise it, e. g. could it accept such power from the king of Spain to transfer to the Catholics of St. Augustine?

3. Suppose the government could accept & transfer such power, can it be said to pass without any act or deed to exhibit such transfer?

4. Will the simple act of incorporation of wardens by the legislature of Florida with power to them to hold & manage the church property be sufficient, as the judge would appear to say, to transfer this power of appointment to the people & from the people to the Wardens?

5. Suppose the legislature conferred the power upon the Wardens, will this act supply the omission of the government to confer it upon the people to whom it is assumed it has passed?

6. Is the common law of England what the Judge asserts it to be?

7. Is the common law of America what the Judge states it to be?

8. Suppose the canon law of the Roman Catholic Church to regulate that this power can not be passed or exercised in the above manner, & that otherwise there was no legal, or constitutional obstacle to such passing, has the power then passed? Or does the Ordinary not re-enter upon his common right from the exercise of which he was debarred only by a privilege granted to the king of Spain and which being personal is not transferable; or if transferable, is so only upon a condition which the government of the U. S. can not legally fulfil, viz., maintaining an established religion?

9. Suppose the common law of England to be as asserted, & that previous to the change in religion, it was not so, but was in accordance with the canon law of the Catholic Church, & that Catholics both in principle & practice withstood this change & refused to recognize its legality, & that they are here declared

free to follow their own religious laws & usages. Will not their canon law so far as they are concerned be considered the common law? Or will they be subjected to a common law created by Great Britain to destroy their Church by subverting its authority?

10. Suppose the English & American common law to be as above stated, yet Florida was ceded upon an agreement that the religious rights of the Catholics should be respected. Is not their canon law a portion of their religious right, & being secured to them by contract, will it not take precedence of all other laws whether common or statute of the power under whose jurisdiction the Catholics of Florida have placed themselves under the stipulation of that contract?

I have taken all the legal aspects which I found to present themselves, & preferred redundancy to omission.

This case is important not only as regards this church, but upon a principle whose extent we can not calculate. Perhaps therefore it would be well to have it met at once.

I also wish to be advised how this decision might be best disposed of, so as to guard against its becoming a precedent.[71]

From May, 1830, until the arrival of Bishop Portier at St. Augustine, in March, 1832, the schism continued.

Bishop Portier came to Charleston in 1832 to consult with Dr. England, regarding the best means of bringing peace to the Church in Florida. On February 18, he set sail for St. Augustine. On his arrival in that city the trustees offered him the use of the church, but Bishop Portier declined to hold any religious services there until the problem at litigation had been solved. For a fortnight the trustees held out against the bishop but finally decided to admit his rights over the church and give him full possession. On March 18, 1832, a *Te Deum* was sung, the bishop pontificated, and upwards of 130 persons were confirmed. Thus, writes Bishop England:

was this unfortunate and miserable effort of some misguided persons to destroy the happiness of the faithful, terminated. Amongst the resolutions adopted the following are worthy of attention: That the church shall never again be closed against

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[71] *Records* (ACHS), vol. XIX, pp. 150-152. The third point in Judge Smith's decision reads: "That, by the common law, as it existed in the United States, the founders of churches possessed the right of deciding who preside over their spiritual interests." (*Cath. Misc.*, vol. XI, p. 198).

a priest sent by the diocesan authority; that in case of complaint against a priest, the decision of the bishop shall be authoritative; that the income of the two years, after deducting expenses for repairs, shall be placed at the disposal of the bishop; and that the income be henceforth given to the regularly appointed priest. The Bishop confirmed Father Mayne in his parochial charge and appointed him Vicar-General for the district. Peace, harmony, and affection have been restored, and the spirit of religion again produces its influence in a place which has been too long subjected to one of the worst spiritual calamities.[72]

After Father Mayne's death, it would seem as if the Church in St. Augustine was abandoned for a time. "I do not know a better man than the Bishop of Mobile", wrote Dr. England on February 25, 1835, "but he cannot and is not likely to make missionaries for his Diocess. His best city, St. Augustine, within a day's sail of me, is unprovided, though in it is a fine Church and property to support a priest. I have written to him that it is vacant and cannot get an answer. The people will not write, for they say it is useless." Dr. England uses this fact as an added argument against the further appointment of a Frenchman to American Sees.

From this time until Dr. England's death there is practically silence on the situation of the Church in Florida in the pages of the *Catholic Miscellany*. The only light on the situation is in a letter from Dr. England to Bishop Rosati, dated Charleston, March 3, 1835, in which the Bishop of Charleston refers to the apparent incapacity of French prelates to make progress in the American missions and to the action of the Provincial Council of Baltimore in 1833, where his effort to bring this fact before the American hierarchy met with such serious rebuff. He writes:

New Orleans is again vacant. I wish that Portier could be prevailed upon to go thither & leave Mobile to some one else. With all his zeal and talent, though I say nothing upon the subject to him, I fear he is taking a wrong way to make a Mission in that important section. Any Frenchman will not answer, & he has made a very wrong admission of Irish students, in whom he has been disappointed, as I was myself until I changed my plan. The subject is a delicate one for me to touch. In New Orleans he could with the greatest advantage

[72] *Miscellany*, vol. XI, p. 350.

bring French; in Alabama they will not answer. I have had communications that would not be made to him, & I know the feeling which exists, which delicacy towards so good a man restrains from being expressed unpleasantly. Rome would instantly accede to it, but he deprives New Orleans of its best bishop, & keeps a place in which he can not be so useful. Could you do anything in this? After the exhibition in October, 1833, I fear to move in any thing, for suspicion seems to attach to every thing that I suggest. And some of the most influential persons appear to thwart any thing that I would propose. This has determined me to keep as far aloof as my sense of Duty will permit.

There are many other important concerns upon which I have suggestions that to me it would seem, under other circumstances, I could not avoid making. But as I said at the Propaganda, when asked to give my opinions & report upon the state of our Church, "I am but one, & almost alone in my opinion, and views. I am not satisfied with what I see, but the general sentiment is so decidedly against my views and opinions, that it could not benefit to urge them. I beg therefore to be excused." If I can not promote harmony, I will not create dissention.[73]

It was during the first period of the years treated in this chapter (1822-28) that confusion gained ground in the American Church. The continuance of Maréchal's policy towards Dr. England by his successors practically kept the Bishop of Charleston from stretching forth a hand to save Catholicism in Florida. The result of this forced negligence was to be seen for many years. In 1850, East Florida became part of the new See of Savannah, with Dr. Francis X. Gartland as its first bishop. In 1857, Pius IX erected the Vicariate-Apostolic of Florida, and Bishop Augustine Verot was placed over the Church there. Bishop Verot was born at Le Puy, France, in 1804. He joined the Sulpicians after his ordination (1828), and in 1830 became a member of the Faculty of St. Mary's Seminary, Baltimore. In 1861, he was transferred to the Diocese of Savannah, with jurisdiction over the Vicariate, until 1870, when the Diocese of St. Augustine was erected, and he became its first American bishop, over one hundred years after the last Spanish bishop had departed from the city.

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The life and times of John England.

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